



राजपत्र, हिमाचल प्रदेश

हिमाचल प्रदेश राज्यसासन द्वारा प्रकाशित

अंक 34]

शनिवार, 1 मार्च, 1985/10 फाल्गुन, 1907

[संख्या 9

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1 मार्च, 1986/10 फाल्गुन, 1907 को समाप्त होने वाले सप्ताह में निम्नलिखित विज्ञप्तियां 'प्रसाधारण राजपत्र, हिमाचल प्रदेश' में प्रकाशित हुईं:—

विवृति की संख्या	विभाग का नाम	विषय
संख्या एफ० डी० एस० ए० (3)-15/80 (भाग), दिनांक जनवरी 24, 1986	खाद्य एवं आपूर्ति विभाग	चाय की 30 क्विंटल सीमा तक व्यापार करने के लिये अनुज्ञापित अपेक्षित नहीं होगी।
No. 8-16/80- Shram-III, dated February, 20 1986	Labour Department	Referring the industrial dispute between Shri Churoo Ram, ex-Chowkidar, Mechanical Sub-Division, Gagret, District Una and the Asstt. Engineer, Mechanical Sub-Division, Gagret, District Una to the Labour Court, H. P., Shimla, for adjudication.
संख्या एल० एल० आर० डी० (6) 19/85, दिनांक फरवरी 25, 1986	विधि विभाग	हिमाचल प्रदेश लोकायुक्त (संशोधन) अधिनियम, 1985 (1986 का 7) के प्राधिकृत अंग्रेजी पाठ का प्रकाशन।
संख्या डी० एल० पी० 6-2/68-2069, दिनांक फरवरी 22, 1986.	कार्यालय जिलाधीश, जिला बिलासपुर	जिला बिलासपुर, विकास खण्ड सदर बिलासपुर की ग्राम पंचायत बामटा के सदस्यों की संख्या का निर्धारण।

भाग 1—बैधानिक नियमों को छोड़कर हिमाचल प्रदेश के राज्यपाल और हिमाचल प्रदेश हाई कोर्ट द्वारा अधिसूचनाएं इत्यादि

हिमाचल प्रदेश सरकार

ANIMAL HUSBANDRY DEPARTMENT

NOTIFICATION

Shimla-171002, the 9th September, 1984

No. Ahy-B(2)-2/81.—The Governor, Himachal Pradesh on the recommendations of the H.P. Public Service Commission, is pleased to appoint Shri Swadesh Kumar Chaudhary, as Veterinary Assistant Surgeon (General Class-II Gazetted) at Incharge Veterinary Hospital, Shillai, District Sirmour in the pay scale of Rs. 850-30-1000/40-1200/50-1400-60-1700, in the Animal Husbandry Department on the terms and conditions contained in this Department Memorandum of even number dated 18-2-1984 with effect from 28-5-1984 (After noon).

2. Shri Swadesh Kumar Chaudhary will be on probation for a period of two years with effect from 28-5-1984.

Shimla-171002, the 20th September, 1984

No. Ahy-B(2)-2/81.—The Governor, Himachal Pradesh on the recommendations of the H.P. Public Service Commission, is pleased to appoint Shri Sanjeet Katoch as Veterinary Assistant Surgeon (General Class-II Gazetted) at Incharge Veterinary Hospital, Kalol, District Bilaspur in the pay scale of Rs. 850-30-1000/40-1200/50-1400-60-1700, in the Animal Husbandry Department on the terms and conditions contained in this Department Memorandum of even number dated 18-2-1984 with effect from 13-3-1984 (Forenoon).

2. Shri Sanjeet Katoch will be on probation for a period of two years with effect from 13-3-1984.

Shimla-171002, the 20th September, 1984

No. Ahy-B(2)-2/81.—The Governor, Himachal Pradesh on the recommendations of the Himachal Pradesh Public Service Commission, is pleased to appoint Shri Yash Pal Thakur as Veterinary Assistant Surgeon (General Class-II, Gazetted) at Veterinary Hospital, Rup, District Kinnaur/Himachal Pradesh in the pay scale of Rs. 850-30-1000/40-1200/50-1400-60-1700, in the Animal Husbandry Department on the terms and conditions contained in this Department Memorandum of even number, dated the 18th February, 1984 with effect from 29th June, 1984 (F.N.).

2. Shri Yash Pal Thakur will be on probation for a period of two years w.e.f. 29th June, 1984.

Sd/-
Deputy Secretary

CO-OPERATION DEPARTMENT
NOTIFICATIONS

Shimla-2, the 30th August, 1984

No. 1-33/73-Co-op(S)-II.—Pursuant to the recommendations of the Departmental Promotion Committee, the Governor, Himachal Pradesh is pleased to promote Shri L. C. Kapoor, District Inspector/District Audit Officer on the post of District Co-operative and Supplies Officer in the pay scale of Rs. 250-25-550/25-750 (already revised to Rs. 350-25-500-30-590/30-830-35-900) (Class II Gazetted) with effect from the 1st February, 1968 and to Rs. 825-25-850-30-1000/40-1200/50-1400-60-1580 with effect from 1-1-1978) with effect from the 5th October, 1965.

Shimla-2, the 30th August, 1984

No. 7-31/69-Co-op(s)-III. Part file.—In exercise of the powers vested in him under section 35(1)(a)(iii), of the Himachal Pradesh Co-operative Societies Act, 1968, the Governor, Himachal Pradesh is pleased to nominate the District Food and Supplies Controller, Shimla as one of the Government nominee on the Board of Directors of the Kailash District Co-operative and Supplies M&S Federation in place of the Regional Manager, H.R.T.C., Dhalli Region from the date of issue of this notification.

This is in partial modification of this Government notification, dated 8th June, 1976.

By order,
B. B. TANDON,
Secretary.

EDUCATION DEPARTMENT
NOTIFICATIONS

Shimla-2, the 28th August, 1984

No. 1-161/69-Sectt. Edu-A(IV).—In continuation of this department's notification No. Edu-1(B)6-9/76-III, dated the 21st July, 1983, the Governor, Himachal Pradesh is pleased to extend the period of deputation of Shri F. Manmohan with the H.P. Board of School Education as its Secretary for one year more from 22-7-1984 to 21-7-1985 on the same terms and conditions.

Shimla-2, the 9th September, 1984

No. Cha(2)4/84-Shiksha-Ka.—Consequent upon the change of seniority position of Shri D. N. Kaul and the award of selection grade of Rs. 260—350 to him with effect from 1-4-1961 instead of 27-6-1963, the Governor, Himachal Pradesh in partial modification of this department's office order/notification No. 29-19/70-Sectt. Edu-I (VI), dated 11/12-9-1969 and 10-11-1983 is pleased to award the grade of Rs. 400-800 and Rs. 700—1100 to Shri D.N. Kaul from the dates shown below:—

(i) Rs. 400-800 With effect from 1-11-70 instead of 1-4-1977.

(ii) Rs. 700—1100 With effect from 1-9-77 instead of 1-11-77.

2. The Governor is further pleased to order that the dates of award of these scales to persons now becoming junior to Shri D.N. Kaul, will consequently be changed in the above mentioned office order/notification to this extent and the overpayments made to the awardees will be recovered in pursuance of para-2 of the above office order/notification.

Shimla-2, the 12th September, 1984

No. Edu-1(B)6-1/77.—The Governor, Himachal Pradesh in pursuance of the recommendations of the Departmental Promotion Committee is pleased to promote Shri R. K. Malik, Deputy Director of Education to the post of Joint Director of Education (Schools) in the pay scale of Rs. 1775-2200 on regular basis with immediate effect.

2. The Governor, is further pleased to promote Shri M. L. Grover, Deputy Director of Education as Joint Director of Education (Schools) in the pay scale of Rs. 1775—2200 on *ad hoc* basis as Shri R. K. Malik stands already promoted as Director Primary Education on *ad hoc* basis, with immediate effect.

M. K. KAW,
Secretary.

Shimla-171002, the 16th September, 1984

No. Ka(8)5/84-Shiksha-Ka.—In continuation of this department notification No. 23-28/70-Edu-A, dated the 15th November, 1983, constituting Standing Committee on Educational Statistics, the Governor, Himachal Pradesh is pleased to include the Director, Himachal Pradesh Institute of Public Administration, Fairlaw, Shimla-12 as member of the Committee with immediate effect at Serial No. 2, Serial Nos. 2, to 5 will be re-numbered as 3 to 6.

M. K. KAW,
Commissioner-cum-Secretary.

FINANCE (REGULATIONS) DEPARTMENT
NOTIFICATIONS

Shimla-171002, the 27th August, 1984

No. Fin.(C)-A(2)-1/84.—The Governor, Himachal Pradesh is pleased to order that the Additional Deputy Commissioner, Spiti, District Lahaul and Spiti shall function as Disbursing Officer under the following head of account:—

277—Education—

G. Sports and Youth Welfare—

(a) Tribal Area Sub-Plan—

(a)(iii) Expenditure on Directorate of Youth Services and Sports (Plan).

Shimla-171002, the 27th August, 1984

No. Fin(C)-A(2)-1/84.—The Governor, Himachal Pradesh is pleased to order that the Resident Commissioner for Himachal Pradesh at Delhi shall function as Disbursing Officer under the following head of account:—

252—Secretariat General Services—

(a) Secretariat—

(a)(ii) Department of Revenue—Salaries.

2. The Resident Commissioner for Himachal Pradesh at Delhi shall also function as Controlling Officer for the purposes of medical and other claims, etc. in r/o Shri S.K. Chauhan, I.A.S., presently on study leave.

Shimla-2, the 29th August, 1984

No. Fin.(C)-A(2)-1/84.—The Governor, Himachal Pradesh is pleased to order that the Deputy Commissioner, Shimla and the Additional Deputy Commissioner at Spiti, District Lahaul and Spiti shall function as Drawing and Disbursing and Controlling officers under the following head of account:—

'296—Secretariat Economic Services—

(a) Planning Commission, Planning Board—

Part-II Really New Schemes—

(3) Integrated Rural Energy Programme—(State Scheme—Plan'.

HARINDER HIRA,
Joint Secretary.

Shimla-171002, the 6th September, 1984

No. Fin. (C)-A(2)-1/84.—The Governor, Himachal Pradesh is pleased to order that the Director of Welfare, Himachal Pradesh shall function as Head of Department, under the following head of account:—

'288—Social Security and Welfare—

E—Other Programmes'

Assistance to Victims of Communal Riots.

2. The Governor, Himachal Pradesh is further pleased to order that all the Deputy Commissioners in Himachal Pradesh shall function as Disbursing officers under the above head of account.

B. B. TONDON,
Secretary.

Shimla-2, the 14th September, 1984

No. Fin(C)-A(2)-1/84.—The Governor, Himachal Pradesh is pleased to order that the Panchayat Inspector (Non-Gazetted) Chamba shall function as Disbursing Officer under the following heads of account:—

1. 314—Community Development (Plan and Non-Plan).
2. 306—Minor Irrigation (Plan).
3. 282—Public Health (Plan).
4. 766—Loans to Government servants (Non-Plan).
5. 114—C.D. Receipts.
6. 287—Labour and Employment.
7. 308—Integrated Rural Development.

2. The Panchayat Inspector, Chamba shall also function as Controlling Officer in respect of Class III and IV of the Rural Development Department for the purposes of T.A. bills, etc.

3. The aforesaid arrangement will continue till a regular Block Development officer is posted at Chamba Block.

Shimla-171002, the 14th September, 1984

No. Fin.(C)-A(2)-1/84.—In partial modification of this departments's notification No. Fin.(C)-A(2)-1/79, dated the 27th September, 1979, the Governor, Himachal Pradesh is pleased to order that the following officers shall function as Disbursing Officers under head '215—Elections' and '265—Other Administrative Services-(g) Other Expenditure-(g) (iv) Charges for the Conduct of Gurdwara Elections':—

1. Assistant Commissioner to D.C. Mandi.
2. Assistant Commissioner to D.C. Bilaspur.
3. Assistant Commissioner to D.C. Una.
4. Assistant Commissioner to D.C. Chamba.

5. Assistant Commissioner to D.C. Shimla.

6. Assistant Commissioner to D.C. Solan.

7. Assistant Commissioner to D.C. Lahaul and Spiti at Keylong.

2. The Governor, Himachal Pradesh is further pleased to order that the above officers shall also function as Controlling Officers in r/o Class III and IV staff of the Election Department for the purposes of T.A. bills, etc.

HARINDER HIRA,
Joint Secretary.

सिचाई एवं जन स्वास्थ्य विभाग

अधिसूचनाएं

यतः राज्यपाल, हिमाचल प्रदेश को यह प्रतीत होता है कि हिमाचल प्रदेश सरकार द्वारा सरकारी व्यय पर सार्वजनिक प्रयोजन नामतः* हेतु भूमि अर्जन करनी अपेक्षित है, अतएव एतद्वारा यह अधिसूचित किया जाता है कि उक्त परिश्लेष में जैसा कि निम्न विवरणी में निर्दिष्ट किया गया है उसीरूप* प्रयोजन के लिए भूमि का अर्जन अपेक्षित है ।

2. यह अधिसूचना ऐसे सभी व्यक्तियों जो इससे सम्बन्धित हैं या हो सकते हैं, को जानकारी के लिए भूमि अर्जन अधिनियम, 1894 की धारा 4 के उपबन्धों के अन्तर्गत जारी की जाती है ।

3. पूर्वोक्त धारा द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, राज्यपाल, हिमाचल प्रदेश इस समय इस उपक्रम में कार्यरत सभी अधिकारियों/कर्मचारियों और अधिकारियों को इलाके में किसी भी भूमि में प्रवेश करने तथा सर्वेक्षण करने और इस धारा द्वारा अपेक्षित श्रयवा अनुमत सभी अन्य कार्यों को करने के लिए महर्ष प्राधिकार देते हैं ।

4. कोई भी हिनवद्ध व्यक्ति जिसे उक्त परिश्लेष में कथित भूमि के अर्जन पर कोई आपत्ति हो तो वह इस अधिसूचना के प्रकाशित होने के तीस दिनों की अवधि के भीतर लिखित रूप में भू-अर्जन समाहर्ता, ब्यास सतलुज लिंक परियोजना, मण्डी, हिमाचल प्रदेश के समक्ष अपनी आपत्ति दायर कर सकता है ।

*बल्ह सिचाई परियोजना के निर्माण हेतु ।

संख्या सिचाई-II-1-7/85.

शिमला-2, 13 फरवरी, 1986

वित्तुत विवरण

जिला: मण्डी		तहसील: सदर			
गांव	खसरा संख्या	क्षेत्र			
		बी0	बि0	विस्वामी	
1	2	3	4	5	
मलवाणा	284/1	3	4	10	
	289/1	0	2	10	
	288 सालम	0	2	10	
	317/1	0	0	8	
	318 सालम	1	4	13	
	310/1	0	1	6	
किस्ता . . 6		4	15	17	
गोडा गागल	817/347/1	1	10	0	
	370/1	1	17	18	
	362	1	4	5	
	823/347/1	0	13	12	
	339/1	0	8	13	
	341	0	7	10	
	815/359/1	0	6	12	
	342/1	1	10	14	
	343	0	14	7	
	358/1	0	18	12	
	14/1	0	18	2	
	13/1	0	9	12	

LAW DEPARTMENT

CORRIGENDUM

Shimla-2, the 30th August, 1984

No. LLR-E (9) 41/82.—In the authoritative english text of this Government notification of even number, dated 19-7-1984, published in the Rajpatra, Himachal Pradesh, dated 11th August, 1984, the words "Board and" may be inserted in between the words "Legal Aid" and "Committees".

V. P. BHATNAGAR,
Secretary.

किता . . 21 15 0 4

LABOUR DEPARTMENT

NOTIFICATION

Shimla-171002, the 14th August, 1984

No. 2-8/83-Lab. (DUP).—In exercise of the powers vested in him under Section 17 (1) of the Industrial Dispute Act, 1947, the Governor, Himachal Pradesh is pleased to publish the award of the Himachal Pradesh Labour Court, Shimla as per Annexure A to F.

By order,
HARSH GUPTA,
Commissioner-cum-Secretary.

ANNEXURE A

Before the Presiding Officer, Labour Court, Himachal Pradesh, Shimla-171002

Case No. 66/82

Hari Om Sharma ..Petitioner.

Versus

Manager, Rishabh Ispat, Nalagrah ..Respondent.

Present Shri P.L. Bery A.R. of the Applicant/Petitioner.

None for the Respondent

AWARD

A letter dated the 17th November, 1983 addressed to this Court by the Petitioner namely Shri Hari Om Sharma discloses that he has settled the dispute covering the reference made by the Government vide notification No. 8-3/80-Shram, dated the 22nd October, 1982, out of Court and does not want to prosecute this case any further. Another letter dated the 18th November, 1983 from the Respondent has been received. This letter has also disclosed that the case has been settled out of Court.

Both the parties do not want me to process this case any more.

In view of this situation, I think that no further proceedings are required to be taken in this reference. The claim of the Petitioner is, therefore, dismissed as settled out side the Court. The reference received to this Court on dated 22nd October, 1982 is answered accordingly. The parties are left to bear their own costs of these proceedings.

Announced on the 10th December, 1983.

आदेश द्वारा,
बी० बी० टण्डन,
सचिव ।

S. S. KANWAR.
Presiding Officer,
Labour Court, H. P., Shimla-171002.

रकोहा

627/369/1	0	19	10
392/1	1	13	9
393/1	0	2	0
393/2	0	1	0
394/1	0	3	12
394/2	0	2	13
295/1/1	2	15	5
395/1/2	0	12	11
395/1	2	4	14
396 सालम	2	3	18
397/1	0	11	12
399/1	0	10	14
406/1	0	19	0
422/1	2	3	0
424/1	0	2	0
425/1/1	0	1	14
427/1	0	11	8
429 सालम	0	7	0
431/1	2	12	15
432/1	0	3	10
433/1	0	2	2
435/1	0	10	5
437/1	0	6	17
450/1	0	3	16
451 सालम	0	3	3
452/1	0	12	18
455/1	0	2	15
456/1	0	0	8
458/1	0	8	7
459/1	2	0	8
460/1	4	12	3
505/1/1	2	18	9
576/505/1	0	5	9
576/505/2	0	2	5
506/1	0	8	10
507/1	1	0	16
509/1	0	1	12
511/1	0	0	12
654/521/1	1	5	8
655/521/1/1	1	7	12
656/521/1	0	16	14
657/521/1	1	7	10
658/521/1	1	7	8
658/521/2	0	3	10
522 सालम	0	2	5
523 सालम	0	3	6

किता . . 46 40 4 1

ANNEXURE B

Before the Presiding Officer, Labour Court, Himachal Pradesh, Shimla-171002

Case No. 40/83

Shri Ramesh Kumar Ex-Driver ..Petitioner.

Versus

Management Dharamshala Tea Estate, Dharamshala. .. Respondent.

Present none for the parties

AWARD

Ramesh Kumar was employed as a Driver with the Respondent Management. His services were terminated. A reference was made to this Court vide notification No. 8-27/78-Sharam (Part), dated the 9th March, 1983 to find out as to whether the termination of services of Shri Ramesh Kumar was valid and if not to what relief he is entitled to. After the receipt of this reference, notices were issued to both the parties. Both the parties appeared through their authorised representatives. No claim petition has been filed by either of the parties. This case was fixed for to-day but none have appeared. This case was called at 1.00 p.m. and 3.45 p.m.

In view of the none appearance of the parties and lack of evidence and material, the reference made to this Court is answered in the negative. The termination of services of Shri Ramesh Kumar Ex-Driver appears to be valid.

Announced on the 10th December, 1983.

S. S. KANWAR,
Presiding Officer,
Labour Court, H. P., Shimla-171002.

ANNEXURE C

Before the Presiding Officer, Labour Court, Shimla

Case No. 41/83

Shri Madan Lal ..Petitioner.

Versus

Principal, Dayanand Anglo-Vedic College, Kangra, Himachal Pradesh .. Respondent.

Present: Shri Madan Lal Applicant in person.

None for the Respondent

AWARD

Madan Lal was employed as laboratory bearer. He resigned of his own accord on 15-2-1982. Later on, he contended that he had submitted his resignation under duress of the Principal and the Accountant of the Dayanand Anglo-Vedic College, Kangra. He raised the dispute and a reference to this Court was made vide Notification No. 8-27/78-Sharam, dated the 9th March, 1983. The following questions have been referred to this Court for determination.

1. Whether the termination of services by the Dayanand Anglo-Vedic College, Kangra in respect of Shri Madan Lal Ex-Employee is in order and justified. If not, what relief and amount of compensation Shri Madan Lal is entitled to?

Both the parties have filed their claim petitions, the Respondent Management after filing the claim petition did not appear in this Court and *ex-parte* proceedings were taken against them. I have recorded *ex-parte* evidence.

Madan Lal has averred that he was appointed as a laboratory bearer on probation on 1-8-1979, and that he continued in services upto 15-2-1982. He has further stated that he completed the probation period successfully and that he must be deemed to be confirmed and that the annual leave was allowed to confirm employees and that he has enjoyed the annual leave w.e.f. 26-5-1981 to 26-6-1981.

He has further stated that on 15-2-1982 after 5 p.m. he was called by the Principal of the College through Shri Changer Ram Saini Accountant and that all of the staff of the College had left the premises of the College and that both the Principal and Changer Ram Saini Accountant coerced him to submit the resignation and he submitted the resignation on 15-2-1982.

He put in application for his reinstatement to the Principal on the plea that he has not resigned and that the termination of services was bad in law and he should be reinstated but his request was not acceded to.

The Respondent Management through Shri R.C. Jeewan, had filed the reply where in all the pleas raised by Madan Lal have been controverted. It has been stated that Madan Lal of his own accord had submitted the resignation on 15-2-1982 which has been accepted and Madan Lal has been relieved.

Madan Lal has appeared as his own witness and also examined Nikku Ram s/o Shri Chamaru Ram PW-2. He has not tendered any documents in evidence.

Madan Lal Petitioner had stated on Oath that he was called on 15-2-1982 by the Principal through Shri Changer Ram Accountant after the College had been closed and every employees had left the office premises. According to him the Principal asked him to submit resignation and whereas he declined to do so. Changer Ram Accountant intervened and coerced the petitioner to submit the resignation. He had to submit the resignation although he was not willing to do so. He has further stated that after getting the resignation signed from him he was threatened not to disclose anything in this behalf failing which he will be severely dealt with by the 1300 students of the College. Again he went to the College on 16-2-1982 and approached the Accountant for permitting him to join the duties and that the Accountant told him if he will put in an application begging pardon, he will be given the job and that when he made this request to the Accountant where Jagdish Clerk, Chuni Lal Peon, Milkhi Ram Peon, Harbans Lal Clerk etc. were present in the office. He further goes on to say that the Accountant told him in the presence of four other persons that he had prepared all the documents against the Petitioner and that the Petitioner should not enter the College.

Nikku Ram PW-2 was a Chowkidar in the Dayanand Anglo-Vedic College, Kangra where this school and the College located in the same premises. Nikku Ram had left the job 2 years back, according to him, on 15-2-1982 when he was closing the rooms and doors of the school he heard shouts from the office of the Principal and gone there and saw through the glass panes fixed in the office room of the Principal and found that the Principal and Accountant and Petitioner were in side the room. The doors of the Principal's room were closed. He had further stated that he found all these three persons talking something but could not hear their voice as the doors were closed. The statement of the witness does not inspire confidence at all. He has given self destructive statement. On the one hand he says that he is attracted by the shouts being raised inside the office room of the Principal and on the other hand he says that he could not hear as to what they were saying inside the room because rooms were closed.

I have no hesitation in rejecting the statement of Shri Nikku Ram PW-2. It is not worthy of credence.

The statement of Petitioner appears to be a cooked up story. If the resignation was obtained from him by force or under coercion, he could withdraw it subsequently but he has not done so. The Petitioner had also not disclosed any reason as to why the Principal with the connivance of

the Accountant, coerced him to submit the resignation. According to him, he was in service of the College for the last three years. The statement of the Petitioner does not appear to be truthful. It appears that he had made the concocted story after loosing the job by putting voluntarily resignation.

In view of the *ex parte* evidence as discussed above there are no reasons to hold that the Respondent Management has terminated the services of the Petitioner legally. The Petitioner has resigned of his own accord and in that circumstances he is not entitled to any assistance from this court. The reference made to this court is answered in the negative. The parties are left to bear their own costs of these proceedings.

Announced on the 10th day of December, 1983.

Date 18-12-1983

S. S. KANWAR,
Presiding Officer,
Labour Court, H. P.

ANNEXURE D

Before the Presiding Officer, Labour Court, Himachal Pradesh, Shimla-171002

Case No. 69/82

Shri Parmatma Singh ..Petitioner.

Versus

Management of Tourism Development Corporation,
Palampur ..Respondent.

Present: Shri P.L. Bery AR of the applicant. Shri O.P. Sood, Secretary of the Respondent.

AWARD

Parmatma Singh was working as a Cook in the Respondent Management. He was removed from the service. An Industrial dispute arose between the parties. This dispute has been referred to this Court *vide* Notification No. 8-3/80-Shram, dated 14-9-82. The following question has been referred:—

“Whether the termination of services of Shri Parmatma Singh ex-Cook Tourist Bangalow, Palampur by the Management of Deputy Tourism Development Tourist Bangalow Palampur is justified. If not what relief and amount of compensation he is entitled to?”

The parties have arrived at a compromise and the statements of the authorised representatives of the parties have been recorded today.

The petitioner does not want to join his duties as a Cook with the Respondent Management. He is not interested in this job. He only wants his retrenchment benefits. Both the parties have mutually agreed that the retrenchment benefits come to Rs. 1200/-.

In view of the settlement arrived at, the reference made need not be answered. The petitioner will get Rs. 1200/- whenever he feels convenient to call on the Respondent Management in the office located in Dhauladhar Hotel, Dharamshala.

The copy of this award may be supplied free of cost to the parties. This award along with the file may be transmitted to the Secretary (Labour) to the Government of Himachal Pradesh for further necessary action.

Announced on the 1st April, 1984.

Date 1-4-84

S. S. KAWAR,
Presiding Officer,
Labour Court, H. P. Shimla,

ANNEXURE E

Before the Presiding Officer, Labour Court, Himachal Pradesh, Shimla

Case No. 42/83

Shri Krishan Chand ex-Driver, H.R.T.C. ...Petitioner.

Versus

General Manager,
H.R.T.C. Shimla and Management of
H.R.T.C., Rampur, Himachal Pradesh ...Respondent.

Present: Shri P.L. Bery AR of the Petitioner. Shri Baldev Singh Supdt. AR of the Respondent.

AWARD

Shri Krishan Chand, Petitioner was employed as a Driver by the Himachal Pradesh Transport Corporation, the Respondent Management. He was on duty and was driving the bus on Shimla-Kalka Road. The vehicular traffic was interrupted at Kandaghat, because of an accident. All the vehicles stopped on both sides of the roads, where the accident had taken place. Krishan Chand petitioner came down from his seat and had left the passenger in it and went to a place nearby. He took liquor in the meantime, the obstruction in the traffic were removed and Krishan Chand was to resume journey and sit on the Driver's seat but he was detected as having taken liquor. The police intervened. Krishan Chand was taken to Police Station. He was got medically examined and it was found that he had taken liquor. He was prosecuted and convicted by the Judicial Magistrate, Kandaghat. He filed an appeal against this conviction. The learned Session Judge, Solan up-held the conviction but instead of imposing any sentence against him to gave the benefit under section 360 of Cr. P.C. and directed him to furnish a bond of the amount of Rs. 1,000/- for keeping peace and to be good behaviour.

On the basis of this conviction, the services of the Petitioner were terminated. The petitioner filed an appeal before the General Manager, Himachal Road Transport Corporation Shimla but the same was also rejected.

Later on, he raised an industrial dispute and following questions had been referred to this Court for adjudication *vide* Notification No. 8-9/80-Shram, dated the 20th April, 1982:—

“Whether the termination of services of Shri Krishan Chand Ex-Driver by the Management of Himachal Road Transport Corporation, Rampur is justified and in order. If not, what amount of compensation and relief Shri Krishan Chand Sharma is entitled to?”

Both the parties have filed their claim petitions. The petitioner had stated that his conduct was good and up-to the mark and that his conviction recorded by Criminal Court does not justified termination of his services.

The Respondent Management has filed a reply and has resisted this petition.

From the averment of the parties the following issues were framed by me on 4-9-1983.

1. Whether the termination of services of the applicant is not justified and is against law and the rules. If so, its effect. (OPP).
2. Whether the punishment is awarded is in consonance with the charge of misconduct. If not what punishment is appropriate in this case (OPP).
3. Relief.

FINDINGS

Issue No. 1 and 2: Both the issues are inter-connected and may be taken together for the sake of convenience.

Krishan Chand petitioner has appeared as PW-2 and

has examined Gorkh Ram PW-2. He has also tendered in evidence documents Ex. P-1 to P-5.

Krishan Chand as PW-1 admits that he was convicted as detailed above and his conviction was maintained and no sentence was imposed on him and he released on furnishing a bond form. He has further stated that he was not given any show cause notice before termination of his services.

PW-2 Gorakh Ram was travelled in that bus driven by Krishan Chand petitioner. He has stated that petitioner was not drunk.

Respondent Management has examined Shri K. L. Kaushal Sub-Inspector of Police, CID. He was Station House Officer, Public Station Kandaghat at that time he has detailed the facts about the suspension of traffic and taking liquor by the petitioner and his taking action against the delinquent. From this evidence on the file, I have no hesitation to hold that Shri Krishan Chand Petitioner was drunk. He had while under the influence of liquor attempted to drive the passengers but he was not allowed to drive the bus. He was later prosecuted and he was convicted and this conviction was upheld by the learned Session Judge, Solan.

Because of his conviction under section 117 of Motor Vehicle Act, the services of Petitioner was terminated.

There is no doubt that there is material on record to justify action against the petitioner.

Next question to be considered is as to whether the penalty imposed on the petitioner should be allowed to stand on any other penalty can be substituted. It is on record that the Petitioner was driving his bus on the route to Kalka to Kinnaur and back. The terminal point of this route witnesses extreme weather condition. Kalka is just in the plains and is a very hot station while the other end Kinnaur is having a very cold climate where snow covers the peaks all the year. It is just possible that Krishan Chand might be enjoying drinks as all others who are living in such extra extreme weather condition. Krishan Chand has no other conviction to his credit. He has nothing done during his service record which calls for such a stringent action which compelled the Respondent Management for termination of his services.

I am of the opinion that a driver of passenger bus should not consume liquor or any other intoxicating during while he is on duty. If he drives vehicle under the influence of liquor he would endanger the life of so many passengers. However, looking to the conduct of Petitioner, it appears to be his first offence throughout his service carrier, I think the penalty of termination of his services is very harsh. It should be converted into any suitable punishment and Labour Court is entitled to do so under section 11-A of the Industrial Dispute Act. I think the ends of justice will be met if 4 increments of the Petitioner are forfeited and he also loses the benefits of claiming the back wages from the date of his suspension and termination till the date of his reinstatement. I ordered accordingly (Reference in this regard may be made to AIR 1984 SC 355 Jaswant Singh *Versus* Pepsu Roadways Transport Corporation). I decide both the issues accordingly.

While parting I may clarify that but for the back wages and forfeiture of his 4 increments no other penalty under the law would visit the petitioner in any shapes of form. The Petitioner will be entitled to get all other terminal benefits including Provident Fund, Gratuity etc. etc.

RELIEF

In the result the order of termination of the services of the Petitioner is quashed and set aside. The four increments of the Petitioner will stand forfeited with cumulative effect. The Petitioner will not be entitled to any back wages from the date of termination till re-instatement. He will however be entitled to all the terminal benefits of services in spite of forfeiture of increments including Provident Fund, Gratuity, Bonus etc. etc.

No. order as to costs. Copy of this order be supplied to both parties free of cost.

Announced on the 28th February, 1983 at Dharamshala.

Date 28-2-83

S. S. KANWAR,
Presiding Officer,
Labour Court Shimla,
camp at Dharamshala.

LABOUR, EMPLOYMENT & PRINTING DEPARTMENTS

NOTIFICATION

Shimla-171002, the 25th August, 1984

No. 2-2/83-LEP.—The Governor, Himachal Pradesh is pleased to up-grade three Employment Exchanges, Shimla, Mandi and Dharamshala to that of Regional Employment Exchanges. The Regional Employment Exchanges will have jurisdictions, as under.—

1. Regional Employment Exchange, Shimla/Kinnaur/Sirmour/Solan and Spiti Sub-Division of Lahaul & Spiti district.
2. Regional Employment Exchange, Mandi. Mandi/Kullu/Lahaul sub-division of Lahaul & Spiti district/Bilaspur/Hamirpur.
3. Regional Employment Exchange, Kangra/Chamba/Una, Kangra at Dharamshala.

2. The Governor, Himachal Pradesh is further pleased to up-grade three existing posts of Employment Officers in the pay scale of Rs. 825—1580 to that of Regional Employment Officers in the pay scale of Rs. 825—1700 with immediate effect.

By order,
R.K. ANAND,
Financial Commissioner (Appeals).

बहुदेशीय परियोजना एवं विद्युत विभाग

अभिज्ञान

यतः हिमाचल प्रदेश के राज्याल को यह प्रतीत होता है कि राष्ट्रीय पन-विद्युत निगम सोमित (एन० एच० पी० सी०) जो कि भूमि अर्जन अधिनियम 1894 (1894 का पहला अधिनियम) को धारा 3 के खण्ड (सी० सी०) के अर्थात् सरकारी के स्वामित्व और नियन्त्रण के अधीन एक निगम है के द्वारा अपने व्यय पर सार्वजनिक प्रयोजन नामतः मोहाल भलेई ह० न० 42, तहसील चुराह, जिला चम्बा * भूमि को जानी अपेक्षित है अतएव एतद्वारा यह घोषित किया जाता है कि निम्नलिखित विस्तृत विवरणी में वर्णित भूमि उपर्युक्त प्रयोजन के लिए अपेक्षित है।

भूमि अर्जन अधिनियम, 1894 को धारा 6 के उपबन्धों के अधीन सभी सम्बन्धित व्यक्तियों के लिए यह घोषणा की जाती है और उक्त अधिनियम की धारा 7 के उपबन्धों के अधीन भू-अर्जन समाह्वान बंरा-स्थूल परियोजना, तीसा, जिला चम्बा को एतद्वारा उक्त भूमि के अर्जन के लिये आदेश देने का निर्देश दिया जाता है।

*बंरा-स्थूल पन-विद्युत परियोजना के लिये 220 के० वी०/डो० सी० संचार लाईन सुरंगानी से तलवाड़ा तक के निर्माण के लिए।

सं० विद्युत (छ) (5)-52/85.

जिला चम्बा		तहसील: चुराह	
ग्राम	खसरा नं०	बी०	बि०
1	2	3	4
भलेई	1158/766/1	0	11
नं० ह० 42.			

1 2 3 4

*बैरा स्थूल पन-विद्युत परियोजना की सड़क वीयर साईट के निर्माण हेतु भूमि ।

संख्या विद्युत-छ(5) 45/85.

शिमला-171002, 3 जनवरी, 1986.			
टिकरीगढ़	2	0	1
नं० ह० 458.	3	0	3
किता .. 2		0	4

संख्या विद्युत-छ (5) 48/85.

शिमला-171002, 3 जनवरी, 1986.			
सुरंगानी	141/1	0	2
नं० ह० 235.	177/1	0	6
किता .. 2		0	8

*बैरा स्थूल पन-विद्युत परियोजना के लिए केन्द्रीय पाठशाला सुरंगानी के खेल कूद क मैदान के निर्माण हेतु भूमि ।

संख्या विद्युत-छ(5)30/85.

शिमला-171002, 3 जनवरी, 1986.			
सुरंगानी	371/1	1	0
नं० ह० 235.			

संख्या विद्युत-छ(5) 51/85.

शिमला-171002, 3 जनवरी, 1986.			
काण्डी	117/1	0	10
नं० ह० 45.	1224/142/1	0	11
	241/1	0	2
	242/1	0	1
	243/1	0	1
	244/1	0	2
किता .. 6		1	7

*बैरा स्थूल पन-विद्युत परियोजना के स्टॉक पोलिंग क्षेत्र के निर्माण हेतु भूमि ।

संख्या विद्युत-छ(5)3/85.

शिमला-2, 3 जनवरी, 1986.			
कुन्दी	8	3	7
नं० ह० 211.	9/2	1	16
किता .. 2		5	3

संख्या विद्युत छ(5) 56/85.

शिमला-171002, 3 जनवरी, 1986.			
ग्राम	खसरा नं०	बी०	बि०
डून	170/1	0	7
नं० ह० 71.	171/1	0	1
	1269/1059/1	0	5
	1287/1060/1	0	4
	467/1	0	4
	554/1	0	1
	555/1	0	0
	557/1	0	1
कुल किता .. 8		1	3

*बैरा स्थूल पन-विद्युत परियोजना के लिये मंजीर से सुरंगानी व सुरंगानी से टनल आउट लैंट व बिजली घर के निर्माण हेतु भूमि ।

संख्या विद्युत-छ(5)49/85.

शिमला-171002, 3 जनवरी, 1986.			
सुरंगानी	133/1/2	0	12
नं० ह० 235.	133/1/3	1	5
	134/1/2	0	18
	134/1/3	0	19
	135/1/2	0	18
	135/1/3	1	4
	135/1/6	1	9
	135/1/1/2	1	5
	135/1/1/3	0	17
	135/1/1/4	1	4
कुल किता .. 10		10	11

संख्या विद्युत-छ(5) 58/85.

शिमला-171002, 3 जनवरी, 1986.			
तलेरू	214/1	0	1
नं० ह० 37.	219	0	3
	220	0	1
	266/1	0	1
	367/215/1	0	10
कुल किता .. 5		0	16

*बैरा स्थूल पन-विद्युत परियोजना के स्लाइड जोन क्षेत्र के निर्माण हेतु भूमि ।

संख्या विद्युत-छ(5) 2 8/85.

संख्या विद्युत-छ(5)44/85.

शिमला-171002, 3 जनवरी, 1986.			
ब्रगाल	1125/948/1	0	14
नं० ह० 38.			
शिमला-2, 3 जनवरी, 1986.			
कमान्दी	724/1	0	3
नं० ह० 36.	727/1	0	3
कुल किता .. 2		0	6

शिमला-2, 3 जनवरी, 1986.			
कल्यास	241	6	5
नं० ह० 241.	242	1	19
	301	2	11
	317	0	17
	318	0	16
	319	0	3
	321	0	15
	322	1	18
कुल किता .. 8		15	4

1	2	3	4
*बैरा स्थूल पन-विद्युत परियोजना के बड़ोह से सुरंगानी तक सड़क के निर्माण हेतु भूमि।			
संख्या विद्युत-छ(5) 47/85.			
शिमला-171002, 3 जनवरी, 1986.			
सुरंगानी	456/1	0	6
नं० ह० 235.	458/1	0	2
	485	0	2
	487/1	2	2
	487/1/1	0	15
कुल कित्ता .. 5		3	7

*बैरा स्थूल पन-विद्युत परियोजना सुरंगानी, जिला चम्बा की सड़क धारगला के पुल व सुरंग तक के निर्माण हेतु भूमि।

संख्या विद्युत-छ(5) 26/85.			
शिमला-171002, 3 जनवरी, 1986.			
टिकरी	449/1	0	4
नं० ह० 254.	451/1	0	14
	452/1	0	17
	453/1	1	5
	470/1	0	16
	471/1	1	7
	473/1	0	4
	474/1	0	5
कुल कित्ता .. 8		5	12

शिमला-171002, 3 जनवरी, 1986

संख्या विद्युत-छ(5)-34/85.—यतः हिमाचल प्रदेश के राज्यपाल को यह प्रतीत होता है कि राष्ट्रीय पन-विद्युत परियोजना निगम सीमित (एच०एच०पी०सी०) जो कि भूमि-अर्जन अधिनियम, 1894 (1894 का पहला अधिनियम) की धारा 3 के खंड (सी०सी०) के अर्थात्संगत सरकार के स्वाभित्व और नियन्त्रण के अधीन एक निगम है के द्वारा अपने व्यय पर सार्वजनिक प्रयोजन नामतः संजोई नं० ह० 41 तहसील भटियात, जिला चम्बा में चमेरा जल विद्युत परियोजना के लिए वगधार-खेरी सड़क के निर्माण हेतु भूमि ली जानी अपेक्षित है, अतएव एतद्वारा यह घोषित किया जाता है कि निम्नलिखित विस्तृत विवरणी में वर्णित भूमि उपर्युक्त प्रयोजन के लिए अपेक्षित है।

2. भूमि-अर्जन अधिनियम, 1894 की धारा 6 के उपबन्धों के अधीन सभी सम्बन्धित व्यक्तियों के लिए यह घोषणा की जाती है और उक्त अधिनियम की धारा 7 के उपबन्धों के अधीन भू-अर्जन समाहर्ता चमेरा जल विद्युत परियोजना बनीखेत, जिला चम्बा को एतद्वारा उक्त भूमि के अर्जन के लिए आदेश देने का निर्देश दिया जाता है।

3. भूमि का रेखांक भू-अर्जन अधिकारी, चमेरा जल विद्युत परियोजना बनीखेत जिला चम्बा, के कार्यालय में निरीक्षण किया जा सकता है।

दिनिर्देश

जिला: चम्बा	तहसील: भटियात		
गांव	खसरा नं०	क्षेत्र बी०	बि०
1	2	3	4
संजोई	64	2	0
नं० ह० 41.			

शिमला-2, 3 जनवरी, 1986

संख्या विद्युत(छ)(5)-33/85.—यतः हिमाचल प्रदेश के राज्यपाल को यह प्रतीत होता है कि हिमाचल प्रदेश राज्य विजली बोर्ड जो भूमि अर्जन अधिनियम, 1894 (1894 का पहला अधिनियम) की धारा 3 के खंड (सी०सी०) के अर्थात्संगत सरकार के स्वाभित्व और नियन्त्रण के अधीन एक निगम है के द्वारा अपने व्यय पर सार्वजनिक प्रयोजन के लिए नामतः बिनवा परियोजना के निर्माण के लिए भूमि ली जानी अपेक्षित है, एतद्वारा यह घोषित किया जाता है कि निम्नलिखित विस्तृत विवरणी में वर्णित भूमि उपर्युक्त प्रयोजन के लिए अपेक्षित है।

2. भूमि अर्जन अधिनियम, 1894 का धारा 6 के उपबन्धों के अधीन सभी सम्बन्धित व्यक्तियों के लिए यह घोषणा की जाती है और उक्त अधिनियम की धारा 7 के उपबन्धों के अधीन भू-अर्जन समाहर्ता, हिमाचल प्रदेश राज्य विजली बोर्ड, मण्डी को एतद्वारा उक्त भूमि के अर्जन के लिए आदेश देने का निर्देश दिया जाता है।

3. भूमि की रेखांक भू-अर्जन समाहर्ता, हिमाचल प्रदेश राज्य विजली बोर्ड, मण्डी, जिला मण्डी, हिमाचल प्रदेश के कार्यालय में निरीक्षण किया जा सकेगा।

जिला: कांगड़ा	दिनिर्देश	तहसील: पालमपुर		
ग्राम	खसरा सं०	क्षेत्र	हैक्टेयर	
1	2	3	4	
डूंग	1	0	14	92
	2/1	0	26	19
कित्ता .. 2		0	41	11

शिमला-2, 3 जनवरी, 1986

संख्या विद्युत (छ)(5)-3/85.—यतः हिमाचल प्रदेश के राज्यपाल को यह प्रतीत होता है कि राष्ट्रीय जल विद्युत परियोजना निगम सीमित (एच०एच०पी०सी०) जो कि भूमि अर्जन अधिनियम, 1894 (1894 का पहला अधिनियम) की धारा 3 के खंड (सी०सी०) अर्थात्संगत सरकार के स्वाभित्व और नियन्त्रण के अधीन एक निगम है के द्वारा अपने व्यय पर सार्वजनिक प्रयोजन के लिए नामतः भूमि ग्राम कमानी नं० ह० 36 उप-तहसील सलूणी, जिला चम्बा में चमेरा जल विद्युत परियोजना के गोदाम, कालोनी, बड़ी कार्यशाला एवं डेम के जलाशय में भूमि की खपत हेतु भूमि ली जानी अपेक्षित है एतद्वारा यह घोषित किया जाता है कि निम्नलिखित विस्तृत विवरणी में वर्णित भूमि उपर्युक्त प्रयोजन के लिए अपेक्षित है

2. भूमि अर्जन अधिनियम 1894 की धारा 6 के उपबन्धों के अधीन सभी सम्बन्धित व्यक्तियों के लिए यह घोषणा की जाती है और उक्त अधिनियम की धारा 7 के उपबन्धों के अधीन भू-अर्जन समाहर्ता, चमेरा जल विद्युत परियोजना हिल फूटस, डा० सुलतानपुर चम्बा को एतद्वारा उक्त भूमि के अर्जन के लिए आदेश देने का निर्देश दिया जाता है।

3. भूमि का रेखांक भू-अर्जन अधिकारी, चमेरा जल विद्युत परियोजना हिल फूटस, डा० सुलतानपुर, चम्बा के कार्यालय में निरीक्षण किया जा सकता है।

जिला: चम्बा	दिनिर्देश	उप-तहसील: सलूणी		
गांव	खसरा नं०	क्षेत्र	बी०	बि०
1	2	3	4	5
कमान्दी	598/2	5	7	
नं० ह० 36.	600/2	0	12	

1	2	3	4	1	2	3	4
	601/2	2	18		817/2	1	7
	602/3	2	6		818/2	0	11
	603	0	2				
	604	0	5	कुल जोड़ किता ..	60	113	3*
	605	22	17				
	607	3	4	यतः हिमाचल प्रदेश के राज्यपाल को यह प्रतीत होता है कि			
	614	0	5	हिमाचल प्रदेश राज्य विद्युत परिषद् जो कि भूमि अर्जन अधिनियम			
	615	0	12	1894 (1894 का पहला अधिनियम) की धारा 3 के खण्ड (सी0सी0)			
	616	1	2	के अन्तिम संस्करण के स्वामित्व और नियन्त्रण के अधीन एक			
	617	0	8	निगम है के द्वारा अपने व्यय पर सार्वजनिक प्रयोजन नामतः *भूमि			
	622	3	12	ली जानी अपेक्षित है अतएव एतद्वारा यह घोषित किया जाता है			
	624	1	10	कि निम्नलिखित विस्तृत विवरणी में वर्णित भूमि उपर्युक्त			
	624/1	2	12	प्रयोजन* के लिए अपेक्षित है ।			
	625	3	9				
	629	0	7	2. भूमि अर्जन अधिनियम, 1894 की धारा 6 के उपबन्धों			
	630	0	3	के अधीन सभी सम्बन्धित व्यक्तियों के लिए यह घोषणा की जाती है			
	631	1	1	और उक्त अधिनियम की धारा 7 के उपबन्धों के अधीन भू-अर्जन			
	632	0	4	समाहर्ता, हिमाचल प्रदेश विद्युत बोर्ड जिसल बैंक शिमला-3			
	644	3	6	की एतद्वारा उक्त भूमि के अर्जन के लिए आदेश लेने का निदेश			
	645	0	13	दिया जाता है ।			
	646	0	13				
	647	2	3	3. भूमि का रेखांक भू-अर्जन समाहर्ता, हिमाचल प्रदेश, राज्य			
	648	0	1	विजली बोर्ड जिसल बैंक, शिमला-3 के कार्यालय में निरीक्षण किया			
	650	0	9	जाता है ।			
	651	2	0				
	652	0	11	*220 के 0 वी0/डी0 सी0 संचार लाइन भावा से कुनिहार ग्राम ठारू,			
	653	0	3	तहसील सूनी में टावर संख्या 80 के निर्माण हेतु ।			
	654	6	18				
	655	0	11	संख्या विद्युत-छ-(5)-1/85. शिमला-2, 3 जनवरी, 1986.			
	656	0	18				
	657	3	10	जिला: शिमला तहसील: सूनी			
	658	1	6				
	661	16	0				
	661/1	0	2	ग्राम	खसरा नं०	क्षेत्र	बि०
	662	3	12	1	2	3	4
	662/1	0	1				
	663	2	16	ठारू	427/370/36/1	0	6
	665/2	1	15				
	667	0	16	जिला: किन्नौर तहसील: निचार			
	668	1	7				
	669	0	13	*ग्राम कफोर, तहसील निचार के आडिट टनल के लिए सड़क के			
	670	0	9	निर्माण हेतु भूमि ।			
	672	0	12				
	673	0	1	संख्या विद्युत-(छ)-(5)-5/85. शिमला-2, 3 जनवरी, 1986.			
	675	0	11				
	676	1	1			क्षेत्र (हेक्टेयर)	
	677	6	9	कफोर	378	0	01 76
	678	1	8		379/1	0	04 14
	679	0	11		372/1	0	26 49
	680/2	1	1		377/1	0	03 15
	681	0	3				
	682	0	3	कुल किता ..	4	0	35 54
	683	0	8				
	684	0	17				
	685	0	4				
	815/2	0	7				

भाग 2—वैधानिक नियमों को छोड़ कर विभिन्न विभागों के अधीन और जिला मैजिस्ट्रेटों द्वारा अधिसूचनाएं इत्यादि
PUBLIC WORKS DEPARTMENT

NOTIFICATIONS

Whereas it appears to the Governor, Himachal Pradesh that land is likely to be required to be taken by the Government at the public expenses for a public purpose*. It is hereby notified that the land in the locality described below is likely to be acquired for the said* purpose.

This notification is made under the provisions of section 4 of the Land Acquisition Act, 1894 to all whom it may concern.

In exercise of the powers conferred by the aforesaid section, the Governor, Himachal Pradesh is pleased to authorise the officers for the time being engaged in the undertaking with their servants and workmen/ enter upon and survey any land in the locality and to do all other acts required or permitted by that section.

आदेश द्वारा,
कैलाश चन्द महाजन,
सचिव ।

Any person interested, who has any objection to the acquisition of the said land in the locality may, within thirty days of the publication of this notification, file an objection in writing before the Collector, Land Acquisition, H. P. P.W.D., (Winter Field) Shimla-3.

*Construction of Shimla-Bye-Pass.

No. SE-IV-R-8/85-1814-18.

Shimla-3, the 31st January, 1986.

SPECIFICATION

District: SHIMLA

Tehsil: SHIMLA

Village	Khasra No.	Area in Big. Bis.	
1	2	3	4
KASUMPTI	207/126/1/1	0	2
JUNGA.	133/1	0	2
	134/1	2	5
	136/1	1	18
	56/1	0	5
	59/1	1	0
	61/1	2	11
	79/1	1	17
	101/1	0	1
	102/1	1	15
	103/1	1	13
	117/1	3	10
	146/1	2	12
	154/1	0	18
	155/1	0	3
	118/1	0	7
	119/1	0	17
	55/1	0	1
	188/54/1	1	0
	157/1	0	16
	141/1	0	3
	149/1	0	9
	77/1	0	2
	205/111/1	1	3
	65/1	0	1
	217/135/1	0	5
	58/1	0	9
Kitta ..	27	26	10

No. SE-IV-R-8/85-1824-28.

Shimla-3, the 31st January, 1986.

PATEOG	587/322/1	0	1
	584/322/1	0	1
	591/323/1	0	2
	639/280/1	0	6
	576/288	1	13
	574/287	0	13
	289	0	9
	351/1	0	3
	277	0	11
	585/322	0	2
	588/322	0	2
	581/319	0	14
	279	0	7
	570/282/1	0	6
	570/282/2	0	15
	583/321	0	8
	343/1	0	5
	593/327/1	0	4
	593/327/2	0	2
	276/1	0	7
	283	0	4
	572/284/1	0	2
Kitta ..	22	7	17

No. SE-IV-R-8/85-1819-23.

Shimla-3, the 31st January, 1986.

KASUMPTI	521/481/215/1	0	2
	518/482/1	1	5
	484/216	1	3

1	2	3	4
	520/481/215	0	5
	542/479/214/1	0	6
	533/479/214	0	6
	534/479/214	0	6
	538/479/214	0	6
	539/479/214	0	5
	217/1	1	2
Kitta ..	10	5	6

No. SE-IV-R-8/85-1732-36.

Shimla-3, the 31st January, 1986.

PATTI:	163/1	0	4
REHANA.	155/2/1	0	2
	161/2/1	0	3
	164/1	3	16
Kitta ..	4	4	5

Tehsil: SUNI

*Widening from existing width to 54 metres wide Baldian-Dharampur Road km. 6/0 to 16/0 from Baldian side.

No. SE-IV-R-8/86-1727-31.

Shimla-3, the 31st January, 1986.

DEOTHI	189/1	0	11
	594/191/1	0	4
	593/191/1	0	5
	197/1	0	11
	684/218/1	4	6
Plots ..	5	5	17

S. P. PUNHANI,
Superintending Engineer,
4th Circle, H.P.P.W.D., Shimla-3.

Kullu, the 19th November, 1985

No. SEVI/Tribal-LA-G-V-11874-77.—Whereas it appears to the Governor of Himachal Pradesh that the land is likely to be required to be taken by the Government at the public expenses for a public purpose, namely for the construction of Jasrath-bridge. It is hereby notified that the land in the locality described below is likely to be acquired for the above purpose.

This notification is made under the provisions of section 4 of the Land Acquisition Act, 1894 to all whom it may concern.

In exercise of the powers conferred by the aforesaid section, the Governor, Himachal Pradesh is pleased to authorise the officers for the time being engaged in the undertaking with their servants and workmen to enter upon and survey any land in the locality and do all other acts required or permitted by that section.

Any person interested, who has any objection to the acquisition of the said land in the locality may, within thirty days of the publication of this notification, file an objection in writing before the Land Acquisition Officer, Lahaul at Udaipur.

SPECIFICATION

District: LAHAUL & SPITI Tehsil: LAHAUL & SPITI

Phatti	Khasra No.	Area in Big. Bis. Bisw	
1	2	3	4
JASRATH	88/1	0	15
	348/1	0	12
Total ..	2	1	7

K. V. JAUHAR,
Superintending Engineer,
6th Circle, H. P. P. W. D., Kullu.

भाग 3—प्रशिक्षण, विधेयक और विधेयकों पर प्रचार सभित के प्रतिवेदन, वैधानिक नियम तथा हिमाचल प्रदेश के राज्यपाल, हिमाचल प्रदेश हाई कोर्ट, फाउण्डेशन कमिशनर तथा कमिशनर आद इस्कम टेक्स द्वारा प्रशिक्षित मावेल प्रयासि

HOME (JAILS) DEPARTMENT

PART—II—RECRUITMENT TO SERVICE

NOTIFICATIONS

Shimla-2, the 27th November, 1967

No. H (J) 14-929/58-II.—In exercise of the powers delegated by the President under proviso to Article 309 of the Constitution, *vide* Government of India, Ministry of Home Affairs Notification No. F-27/59. Him. (i), dated July 13, 1959, the Administration (Lieutenant Governor) Himachal Pradesh, is pleased to make the following rules in respect of Himachal Pradesh Jails Department Subordinate Services in regard to the following matters namely:—

- (i) the method of recruitment to Class III subordinate service of the Jails Department, Himachal Pradesh;
- (ii) the qualifications necessary for appointment to such service and posts; and
- (iii) the conditions of service of persons appointed to such service and posts for the purpose of probation, confirmation, seniority and promotion.

RECRUITMENT RULES

PART—I—GENERAL

1. *Short title and commencement.*—(a) These rules may be called the Himachal Pradesh Jails Department Class III Subordinate (Non-Gazetted) Service (Recruitment, Promotion and Certain Conditions of Service) Rules, 1967.

(b) These rules shall come into force from the date of publication in the official gazette.

2. *Definitions.*—In these rules, unless there is anything repugnant to the subject or context:—

- (a) "recognised University" means any University incorporated by law in India;
- (b) "the service" means the Himachal Pradesh, Jails Department Class III subordinate (Non-Gazetted) Services;
- (c) "post" means a post in the service shown in Appendix to these Rules;
- (d) "Head of Department" means the Inspector General of Prisons, Himachal Pradesh;
- (e) "direct appointment" means an appointment made otherwise than by promotion from amongst the members of the service, or by transfer of any official already in the service of the Government or of the Union;
- (f) "Government" means the Himachal Pradesh Government;
- (g) "Lieutenant Governor" means the Lieutenant Governor, Himachal Pradesh;
- (h) "Member" means a member of the service.
- (i) "Scheduled Castes" means the Castes, Races or Tribes or parts of or groups within castes, races or tribes specified in the Schedule to the Constitution (Scheduled Castes) (Union Territories) Order, 1951, as amended from time to time;
- (j) "Scheduled Tribes" means the Tribes or Tribal communities or parts of or groups within Tribe. Tribal Communities specified in Schedule to the Constitution (Scheduled Tribes) (Union Territories) order 1951 as amended from time to time.
- (k) "Departmental Promotion Committee" means Committee constituted by the Government to recommend existing officials of the service for promotion to a higher grade or class of posts or to recommend candidates for appointment to the service by transfer or direct appointment.

3. "*Character of posts*".—The character (*i.e.* designation grade etc. of the various posts included in the services and their scale of pay shall be as indicated in annexure "A" to these rules, and revised from time to time by the Government.

4. "*Authority empowered to make appointment*".—All appointments posts in the service shall be made by the Head of Department or any authority declared competent in this behalf by the Lieutenant Governor.

5. *Nationality eligibility and age etc.*—(i) A candidate for appointment to any post in the service must be:

- (a) a citizen of India, and
- (b) (i) who or whose father has been continuously residing in Himachal Pradesh for a period of not less than three years immediately preceding the last date fixed for making applications for appointment to a post in the service.

(ii) whose father, if dead, continuously resided in Himachal Pradesh for a period of not less than three years immediately preceding his death and who had after the death of his father, continued to reside in Himachal Pradesh upto last date fixed for making applications for appointment of a post in the service:

Provided that any period of temporary absence from Himachal Pradesh for the purpose of prosecuting his studies or for undergoing medical treatment or any period of such temporary absence not exceeding three months for any other reasons shall not be deemed to constitute a break in the continuity of such residence, but for the purpose of calculating the said period of three years any such period of temporary absence shall be excluded; and

(iii) who produces before the appointing authority concerned, if so required by it, a certificate of eligibility granted under rule 4 of the Himachal Pradesh, Manipur and Tripura public Employment (Recruitment as to residence) Rules, 1969:

Provided further that in case the Lieutenant Governor in any exceptional case and for reasons to be recorded in writing relaxes the provisions of sub-rule (i) of the Himachal Pradesh, Manipur and Tripura Public Employment (recruitment as to residence) Rules, 1959, a candidate for appointment to any post in the service must be:—

- (a) a citizen of India; or
- (b) a subject of Sikkim, or
- (c) a subject of Nepal; or
- (d) a person of Indian origin who has migrated from Pakistan with the intention of Permanently settling in India:

Provided that if he belongs to category (c) or (d) he must be a person in whose favour a certificate of eligibility has been given by the Government of India:

Provided further that if he belongs to category (d) the certificate of eligibility will be valid only for a period of one year from the date of his appointment beyond which he can be retained in service only if he has become a citizen of India.

A candidate in whose case a certificate of eligibility is necessary, may be admitted to an examination

or interview and he may also provisionally be appointed subject to the necessary certificates being given to him by the competent authority; and

(2) Unless he is already in Government service, he must produce:—

- (i) a certificate of good moral character from the Principal Academic Officer of his University, College, School or the Head of his educational or technical Institution last attended;
- (ii) certificates of good moral character from two responsible persons, not being his relatives, who are well acquainted with him in private life and unconnected with his University, College, School or other educational or technical institution;
- (iii) a Medical certificate as required by rule 10 or Fundamental Rules and rules 3 and 4 of Supplementary Rules;
- (iv) a declaration to the effect that he has not more than one living wife:

(a) no person who has more than one wife living or who having a spouse living, marries in any case which such marriage is void by reason of its taking place during the life time of such spouse, shall be eligible for appointment to the service;

(v) in case of a female Government servant a declaration to the effect that she has not married a person having already a living wife:

(a) no women whose marriage is void by reason of the husband having a wife living at the time of such marriage or who has married a person who has a wife living at the time of such marriage, shall be eligible for appointment to the service:

Provided that the Government may if satisfied that there are special grounds for doing so, except any person from the operation of rules in clauses (iv) and (v) above with the approval of the Central Government;

(vi) must not be less than 18 years and more than 25 years of age as on the date of his appointment:

Provided further that minimum and maximum age limits as prescribed may be relaxed in pursuance of the instructions laid down in Government of India, Ministry of Home Affairs Office Memorandum No. 4/6/56-PS, dated November 30, 1956 and of Administrative instructions given in Appendix 3 of the posts and Telegraphs Compilation of the Fundamental and Supplementary Rules, Volume II:

Provided further that the maximum age limit may be relaxed in the case of Scheduled Castes/Tribes candidates/displaced persons and other special categories in accordance with the orders issued by the Government of India from time to time.

6. Educational and Technical Qualifications of Candidates.—No person shall be appointed direct to any post in the service unless he possesses the educational or technical qualifications prescribed for the posts as shown in Column 5 of Appendix 'A' to these rules.

7. Method of Recruitment.—Posts in the service shall be filled either by promotion, transfer or by direct recruitment in the following manner.

(A) MINISTERIAL

(a) **Accountant.**—By transfer of officials in the service of Govts. with five year experience in accounts works failing which by direct recruitment.

(b) **Clerks.**—(i) 50% by promotion from amongst members of warders' staff who are at least Matriculates with two years experience, on the basis of seniority subject to rejection of unfit; and

(ii) 50% by direct recruitment.

(a) **Store Keepers.**—(i) 50% by promotion from amongst Head warders who are at least Matriculates with 2 years experience on the basis of seniority subject to rejection of unfit, and

(ii) 50% by direct recruitment.

(B) TECHNICAL

(b) **Weaving Master.**—(i) 50% by promotion from Amongst Weaving instructors on the basis of seniority subject to rejection of unfit, and

(ii) 50% by direct recruitment.

(b) **Weaving Instructors.**—By direct recruitment.

(c) **Carpenter Master.**—By direct recruitment.

(d) **Tailor Master.**—By direct recruitment.

(e) **Driver.**—By direct recruitment.

(f) **Dispenser.**—By direct recruitment:

Provided that 23% and 5% of the vacancies shall be filled up from the candidates belonging to Scheduled Castes and Scheduled Tribes respectively subject to the Minimum qualifications being satisfied by them.

Note.—The seniority amongst Jail Clerks shall be considered irrespective of the duties and functions being performed by them etc. Accounts Clerks, Store Keepers and other Clerks.

8. Selection by Departmental Promotions Committee.—The Departmental Promotion Committee in respect of the Service shall be as constituted and notified separately by the Government. Offers of appointment shall be made strictly in accordance with the order in which the candidates are placed at the time of selection.

9. Pay of members of service.—The grades of pay at the present in force of each category of service are mentioned in Appendix 'A' to these rules subject to their revision from time to time.

10. Probation of members of the service appointed against permanent posts.—Members of the service who are appointed either by direct recruitment or by promotion against a permanent post shall on appointment to any post specified in Appendix 'A' remain on probation for a period of two years.

Explanation.—(i) Approved officiating service shall be taken as a period spent on probation but no member who is officiating in any appointment shall on the completions of the probationary period prescribed be confirmed until he is appointed against a permanent vacancy.

(ii) If the work or conduct of any member during his period of probation, is in the opinion of the appointing authority not satisfactory, the appointment authority may dispense with his services or revert him to his former post if he has been appointed to that post otherwise than by direct recruitment.

(iii) On the completion of the period of probation of any member, the appointing authority prescribed in Rule 4 may confirm such member in his appointment or if his work or conduct has in the opinion of the appointing authority, not been satisfactory may dispense with his service, or revert him to his former post if he has been appointed otherwise than by direct appointment or may extend the period of probation and thereafter pass such orders on the expiry of probation as it could have passed on the expiry of the first period of probation:

Provided always that the total period of probation including extension, if any, shall not exceed three years.

11. *Seniority of members of service.*—(1) subject to the provision of paragraph (2) below, persons appointed in a substantive, or officiating capacity to a grade prior to the issue of these rules shall retain the relative seniority already assigned to them or such seniority as may hereafter be assigned to them under the existing orders applicable to their cases and shall en-bloc be senior to all others in that grade.

Explanation.—For the purpose of these rules:—

(a) Persons who are confirmed retrospectively with effect from the date earlier than the issue of these rules, and

(b) persons appointed on probation to a permanent substantively vacant in a grade prior to the issue of these rules, shall be considered to be permanent officers of the grade.

(2) Subject to the provisions of paragraph (3) below, permanent officers of each grade shall be ranked senior to persons who are officiating in that grade.

(3) *Direct Recruitments.*—Notwithstanding the provisions of rule (2) above, the relative seniority of all direct recruits shall be determined by the order of merit in which they are selected for such appointment on the recommendations of the selecting authority, persons appointed as a result of an early selection being senior to those appointed as a result of a subsequent selection:

(1) Provided that where persons recruited initially on a temporary basis are confirmed subsequently in an order different from the order of merit indicated at the time of their appointment, Senior shall follow the order of confirmation and not the original order of merit;

(2) provided further that a person who does not join within the specified period shall lose his seniority according to the select list and shall rank to the seniority list next to the person who joined earlier:

(3) provided further that he shall not lose his seniority if the fact of his joining later was caused by circumstances beyond his control and for the reasons recorded in writing, the appointing authority is satisfied that this was so.

(4) Promotees.

The relative seniority of persons promoted to the various grades shall be determined in the order of their selection for such promotion:

Provided that where persons promoted initially on a temporary basis are confirmed subsequently in an order different from the order of merit indicated at the time of their promotion, seniority shall follow the order of confirmation and not the original order of merit.

5. *Relative seniority of direct recruits and promotees.*—The relative seniority of direct recruits and of promotees shall be determined according to the rotation of vacancies between direct recruits and promotees which shall be based on the quotas of vacancies reserved for direct recruitment and promotion respectively in these Rules.

(6) *Transfers.*—The relative seniority of persons appointed by transfer to the Jail Department, Himachal Pradesh, from the Central Government of other departments of State Government shall be determined in accordance with the order of their selection for such transfer.

EXPLANATORY MEMORANDUM

Rule (4), where promotions are made on the basis of selection by a D.P.C., the seniority of such promotees

shall be in the order in which they are recommended for such promotion by the committee. Where promotions are made on the basis of seniority subject to the rejection of the unfit, the seniority of persons considered fit for promotion at the same time shall be the same as the relative seniority in the lower grade from which they are promoted. Where, however, a person is considered as unfit for promotion and is superseded by a junior, such person shall not, if he is subsequently found suitable and promoted, take seniority in the higher grade over the junior persons who had superseded him.

Rule (5). A roster should be maintained based on the reservation for direct recruitment and promotion in the Recruitment Rules. Appointments should be made in accordance with this roster and seniority determined accordingly.

Illustration.—Where 50% of the vacancies are reserved for reservation and 50% for direct recruitment, each direct recruit shall be ranked in seniority below a promotee. If for any reason a direct recruit or a promotee ceases to hold the appointment in the grade the seniority list shall not be rearranged merely for the purpose of ensuring the proportion referred to above.

12. *Leave and Pension etc.*—In respect of leave, position and other (cognate) matters not specifically mentioned in these rules, the members of the service shall be governed by the Revised Leave Rules, 1933, given in Appendix 7-A. Volume II of the posts and Telegraphs Compilation of the Fundamental and supplementary Rules and the pension rules promulgated by the Govt. of India in Finance Ministry's office Memo. No. F. 3 (I) Est. (Spl), dated the 17th April, 1950 as amended from time to time unless one has already exercised option otherwise.

13. *Other conditions of service.*—In respect of conditions of service other than those covered by these rules, members of the service shall be governed by the conditions of service of Union Territories Employees Rules, 1959 issued by the Government of India Ministry of Home Affairs vide their Notification No. 27/59-Him (ii), dated the 13th July, 1959.

14. *Training and Examination.*—The members of Service shall have to qualify all examinations or to undergo training as may be prescribed by the Lieutenant Governor from time to time for any class of posts.

APPENDIX 'A'

(Section)

Sl. No.	Designation of the post	No. of posts	Scale of pay	Minimum qualification prescribed for direct recruitment
1	2	3	4	5
1.	Accountants.	2	Rs. 60-4-80/5-120/5-175.	Matriculate or Higher Secondary.
2.	Clerks	6	-do-	-do-
3.	Store-keepers.	2	-do-	-do-

(Section-II)

4.	Weaving Master.	1	Rs. 100-5-125/5-150.	Diploma/ Certificate in Textile Technology from a recognised institution.
5.	Weaving Instructors.	4	Rs. 80-2-100	Diploma/Certificate in Textile technology from a recognised Institutions.
6.	Carpenter Master.	1	Rs. 75-5-120	Diploma/Certificate in wood working from a recognised institution.

1	2	3	4	5
7. Tailor Master.	1	Rs. 52-1-82½.		Diploma/Certificate in tailoring and cutting from a recognised Institution.
8. Driver (Motor).	1	Rs. 60-3-90		Driving Licence with five years experience.
9. Dispensers	5	Rs. 75-5-100/5-125.		Matriculate and having passed dispensers course at a recognised Institution.

N.M. MAJUMDAR,
Joint Secretary.

Shimla-2, the 13th June, 1984

No. Home.B (B) 2-2/80-Jails.—In exercise of the powers conferred by proviso to article 309 of the Constitution of India and all other powers enabling him in this behalf, the Governor, Himachal Pradesh in consultation with the Himachal Pradesh Public Service Commission is pleased to make the following rules to amend the Recruitment and Promotion Rules in respect of the posts of Superintendent, Model Central Jail, Nahan and Superintendent, District Jail, Dharamshala Class-II (Gazetted) in the Prisons Department of Himachal Pradesh notified vide notification No. 5-15/69-Home dated the 4th May, 1970 further and amended vide notification No. PR.A(3)-34/75, dated the 13th/17th August, 1976.

1. **Short title and Commencement.**—These Rules may be called the Himachal Pradesh Prisons Department Class-II (Gazetted) Services (Recruitment, Promotion and certain conditions of Service) Rules, 1970 for the posts of Superintendent, Model Central Jail, Nahan and Superintendent, District Jail, Dharamshala, Class-II (Gazetted) (2nd amendment) 1984.

2. These shall come into force with immediate effect.

3. **Amendments to Annexure-A.**—In Annexure-A to the aforesaid Rules for the existing entries under Col. No. 4, 6, 11, 12 & 13, the following shall be substituted:—

Sr. No.	Col. No. 4.
1. Superintendent Model Central Jail, Nahan.	...Rs. 1200-1850.
2. Superintendent, District Jail, Dharamshala.	..Rs. 940-1775.

Sr. No.	Col. No. 6.
1. Superintendent, Model Central Jail, Nahan.	18 to 30 years.
2. Superintendent, District Jail, Dharamshala.	18 to 30 years.

Sr. No.	Col. No. 11
1. Superintendent, Model Central Jail, Nahan.	(i) Superintendent, District Jail in the scale of Rs. 940-1775 (with 3 years service in the grade.) (ii) Chief Welfare Officer (Prisons) in the scale of Rs. 940-1775

1	2
2. Superintendent, District Jail, Dharamshala.	(with 3 years service in the grade). The promotion is to be based on joint seniority lists prepared on the basis of length of service in the grade). Superintendent Open Air Jail/Deputy Superintendent Jail in the scale of Rs. 750-1300 (with 5 years service in the respective grades). The promotion is to be based on joint seniority lists prepared on the basis of length of service in the grade).

Col. No.12.

1. Superintendent, Model Central Jail, Nahan.	D.P.C. to be presided over by the Chairman/Member of the Commission.
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Sr. No.	Col. No. 13.
1. Superintendent, Model Central Jail, Nahan.	As required under the law.

2. Further to add the following standard relaxation clause at Sr. No. 14 at the end of the Annexure-A to the main Rules and also standard foot notes at the end of the Annexure-A in respect of the posts of Superintendents, Model Central Jail, Nahan and District Jail, Dharamshala notified vide notification No. 5-15/69-Home dated the 4th May, 1970:—

Provision for relaxation:

14. Where the Government is of the opinion that it is necessary or expedient to do so, it may, by order, for reasons to be recorded in writing and in consultation with the Himachal Pradesh Public Service Commission, relax any of the provisions of these rules with respect to any class or category or person or post.

Foot-Notes:

A candidate for appointment to any service or post must be:—

- A citizen of India, or
- a subject to Nepal, or
- a subject to Bhutan, or
- a Tibetan refugees who came over to India before the 1st January, 1962 with the intention of permanently settling in India, or
- a person of Indian origin who has migrated from Pakistan, Burma, Sri Lanka, East African Countries or Kanya, Uganda, the United Republic of Tanzania (formerly Tanganyika and Zanzibar), Zambia, Malawa, Zaria and Ethiopia with the intention of permanently settling in India:

Provided that a candidate belonging to categories (b), (c), (d) and (e) shall be person in whose favour a certificate of eligibility has been issued by the Government of India/State Government.

A candidate in whose case a certificate of eligibility is necessary may be admitted to an examination or interview conducted by the HPPSC or other recruiting authority, but the offer of appointment may be given on after the necessary eligibility certificate has been issued to him by the Government of India/Government of Himachal Pradesh.

2. Upper age limit is relaxable for Scheduled Caste/Tribes candidates and other categories of persons to the extent permissible under the general or special order of the Himachal Pradesh Government.

3. Provision of columns 10 and 11 are to be revised by the Government in consultation with the Commission as and when the number of posts under column 2 are increased or decreased.

4. Selection for appointment to these posts in the case of direct recruitment, shall be made on the basis of *viva voce* test, if the Commission so considers necessary or expedient by a written test, the standard/syllabus etc. of which will be determined by the Commission or a practical test.

5. In all cases where a junior person becomes eligible for consideration by virtue of his total length of service (including *ad hoc* one) in the feeder post, all persons senior to him in the respective category shall be deemed to be eligible for consideration and placed above the junior persons in the field of consideration:

Provided that all incumbents to be considered for promotion/confirmation shall possess the minimum qualifying service of at least three years or that prescribed in the relevant Recruitment and Promotion Rules for the post whichever is less:

Provided further that where a person becomes ineligible to be considered for promotion/confirmation, on account of the recruitment prescribed in the preceding proviso the person (s) junior to him shall also be deemed to be ineligible for consideration for such promotion/confirmation.

6. The appointment to this service shall be subject to orders regarding reservation in the services for Scheduled Caste/Scheduled Tribes/Backward Classes issued by the Himachal Pradesh Government from time to time.

7. **Departmental Examination:**—(i) Every member of the service shall pass a departmental examination as prescribed in the Departmental Examination Rules within the probation period or within two years from the notification of these rules, whichever is latter failing, which he shall not be eligible to:—

- (a) cross the Efficiency Bar next due;
- (b) confirmation in the services, and
- (c) promotion to the next higher post:

Provided that if a member becomes otherwise eligible for promotion, within the period mentioned above, he shall be considered for promotion and if otherwise found fit, shall be promoted provisionally subject to his passing the departmental examination. He may be reverted if he fails to pass the same:

Provided further that an officer who has qualified the departmental examination in whole or in part prescribed under any other rules before the notification of these rules, shall not be required to qualify the whole or in part of the examination as the case may be:

Provided further that an officer for whom no departmental examination was prescribed prior to the notification of these rules and who has attained the age of 45 years on the 1st March, 1976 shall not be required to qualify the departmental examination prescribed under these rules.

(ii) An officer on promotion to a higher post in his direct line of promotion shall not be required to pass the aforesaid examination, if he has already passed the same in the lower gazetted post.

(iii) The Government may, in consultation with the Himachal Pradesh Public Service Commission grant in exceptional circumstances and for reasons to be reduced

to writing, exemption in accordance with the departmental examination rules, to any class or category of persons from the departmental examination in whole or in part.

Sd/-
Secretary.

शिमला-2, 23 अक्टूबर, 1984

संख्या गृह-ख(ख) 2-2/80 जेल.—हिमाचल प्रदेश के राज्यपाल, भारत के संविधान के अनुच्छेद 309 के परन्तुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और हिमाचल लोक सेवा आयोग से परामर्श करने के पश्चात् हिमाचल प्रदेश के कारागार विभाग में अधीक्षक माडल केन्द्रीय जेल, नाहन और अधीक्षक जिला जेल धरमशाला, वर्ग-2 (राजपत्रित) पदों की बाबत भर्ती और पदोन्नति नियमों में जिन्हें अधिसूचना संख्या 15-15/69- गृह द्वारा अधिसूचित और अधिसूचना पी. आर. ए.- (3)-34/75, तारीख 13/17 अगस्त, 1976 और सं 0-0-0-0 (बी) 2-2/80-जेल तारीख 13 जून, 1984 द्वारा संशोधित किया गया था संशोधन करने के लिए निम्नलिखित नियम बनाते हैं अर्थात:—

1. **Short title and commencement.**—These rules, may be called the Himachal Pradesh Prisons Department Class-II (Gazetted) Services (Recruitment) Promotion and Certain Conditions of Service) for the post of Superintendent, Model Central Jail, Nahan and Superintendent, District Jail, Dharamshala (3rd amendment) Rules, 1984.

2. These shall come into force with immediate effect.

3. **Amendment to Annexure-A.**—For the existing entry in col. 6 of annexure A for the posts of Superintendent Model Central Jail, Nahan and Superintendent District Jail, Dharamshala, of the aforesaid Rules the following entry in column-6 shall be substituted, namely:—

Sr No.	Col No. 6.
1. Superintendent, Model Central Jail, Nahan.	"35 years and below".
2. Superintendent, District Jail, Dharamshala.	"35 years and below".

आदेश द्वारा,
सचिव (जेल)।

[Authoritative English Text of Notification No. Home. B (B) 2-2/80 Jails, dated as required under Article 348 (3) Constitution of India].

Shimla-171002, the 23rd October, 1984

No. Home. (B)2-2/80 Jails.—In exercise of the powers conferred by proviso to Article 309 of the constitution of India, and the Governor of Himachal Pradesh in consultation with the Himachal Pradesh Public Service Commission is pleased to make the following rules to amend the R & P Rules in respect of the post of Superintendent, Model Central Jail, Nahan and Superintendent, District Jail, Dharamshala, Class-II, (Gazetted) in the prisons Department of Himachal Pradesh notified vide notification No. 5-15/69-Home, dated 4th May, 1970 and further amended vide notifications No. PR. A (3) 34/75 dated 13/17 August, 1976 and Home B(B) 2-2/80-Jails dated 13th June, 1984 namely:—

1. **Short title and commencement.**

These rules may be called the Himachal Pradesh Prisons Department Class-II (Gazetted) Services (Recruitment Promotion and Certain Conditions of Service) for the posts of Superintendent, Model Central Jail, Nahan and Superintendent, District Jail, Dharamshala (3rd amendment) Rules 1984.

3. *Amendments to Annexure-A.* For the existing entry in col. 6 of Annexure-A for the post of Superintendent, Model Central Jail, Nahan and Supdt. District Jail, Dharamshala of the aforesaid Rules the following entry in col. No. 6 of Annexure A shall be substituted, namely:—

Sr. No.	Col. No.
1. Superintendent, Model Central Jail, Nahan.	"35 years and below".
2. Superintendent, District Jail, Dharamshala	"35 years and below".

Sd/-

Secretary (Prison).

शिमला-2, 30 अक्टूबर, 1984

सं 0 गृह (ख) 2-2/80-जेल.—हिमाचल प्रदेश के राज्यपाल, भारत के संविधान के अनुच्छेद 309 के परतुक द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए और हिमाचल प्रदेश लोक सेवा आयोग से परामर्श करने के पश्चात हिमाचल प्रदेश के कारागार विभाग में, अधीक्षक, (खुला कारागार) बिलासपुर उप-अधीक्षक कारागार-(कग-II) (राजपत्रित) के पदों के बाबत अधिसूचना सं 0 एन (जे) 14-929/58, तारीख 15 सितम्बर, 1969 के साथ अधिसूचित और समय-समय पर यथा-संशोधित भर्ती और पदोन्नति नियमों में संशोधन करने के लिए निम्नलिखित नियम बनते हैं, अर्थात:—

1. *Short title and commencement.*—(1) These Rules may be called the Himachal Pradesh Prisons Department Class-II (Gazetted) Services (Recruitment, Promotion and Certain Conditions of Service) for the posts of Superintendent, Open Air Jail, Bilaspur/Deputy Superintendent Jail, Class-II (Gazetted) (1st amendment) Rules, 1984.

(2) These shall come into force with immediate effect.

2. *Amendments to Annexure-A.*—For the existing entries of Col. 4 & 11 of Annexure 'A', of the Recruitment Rules for the post of Superintendent Open Air Jail and Deputy Superintendent Jails, Class-II (Gazetted), the entry in Col. 4 & 11 shall be substituted namely:—

Col No. 4. Rs. 750-1300.

Col No. 11. (i) Welfare Officer in the scale of Rs.620-1200 (with 3 years service in the grade);

(ii) Assistant Superintendent Jails in the scale of Rs. 620—1200 (with 3 years service in the grade).

(The promotion is to be based on joint seniority lists prepared on the basis of length service in the grade).

3. After Col. No. 13 in Annexure 'A' of the aforesaid rules, the following Col. 14 shall be substituted, namely:—

Power to relax:

14. Where the Government is of the opinion that it is necessary or expedient to do so in the public interest, it may, by order for reasons to be record in writing and in consultation with the HPPSC, any of the provisions of these rules with respect of any class or category or person or post.

4. In the end of the Annexure 'A' of the aforesaid rules, the following foot-notes shall be inserted, namely.—

Foot notes:

1. A candidate for appointment to any service or post must be:—

- a Citizen of India, or
- a subject to Nepal, or
- a subject to Bhutan, or
- a Tibetan refugees who came over to India before the 1st January, 1962 with the intention of permanently settling in India, or
- a person of Indian origin who has migrated from Pakistan, Burma, Sri Lanka, East African countries of Kenya, Uganda, the United Republic of Tanzania (formerly Tanganyika and Zanzibar) Zambia, Malawi, Zaire and Ethiopia with the intention of permanently settling in India:

Provided that a candidate belonging to categories (b), (c), (d) and (e) shall be person in whose favour certificate of eligibility has been issued by the government of India/State Government.

A candidate in whose case a certificate of eligibility is necessary may be admitted to an examination or interview conducted by the HPPSC or other recruiting authority, but the offer of appointment may be given on after the necessary eligibility certificate has been issued to him by the Government of India/Government of Himachal Pradesh.

2. Upper age limit is relaxable for Scheduled castes/Tribes candidates and other categories of persons to the extent permissible under the general or special order of the Himachal Pradesh Government.

3. Provision of columns 10 and 11 are to be revised by the Government in consultation with the Commission as and when the number of posts under column 2 are increased or decreased.

4. Selection for appointment to these posts in the case of direct recruitment, shall be made on the basis of *viva voce* test, if the Commission so considers necessary or expedient by a written test or a practical test the standard/syllabus etc. of which will be determined by the Commission.

5. In all cases where a junior person becomes eligible for consideration by virtue of his total length of service (including ad hoc one) in the feeder post all persons senior to him in the respective category shall be deemed to be eligible for consideration and placed above the junior persons in the field of consideration:

Provided that all incumbents to be considered for promotion confirmation shall possess the minimum qualifying service of at least three years or that prescribed in the relevant recruitment and promotion rules for the post whichever is less:

Provided further that where a person becomes ineligible to be considered for promotion/confirmation, on account of the requirement prescribed in the proceeding proviso the person (s) junior to him shall also be deemed to be ineligible for consideration for such promotion/confirmation.

6. The appointment to this service shall be subject to orders regarding reservation in the services for Scheduled Castes/Scheduled Tribes/Backward Classes issued by the Himachal Pradesh Government from time to time.

7. *Departmental Examination*.—(i) Every member of the service shall pass a Departmental examination as prescribed in the Departmental Examination Rules within the probation period or within two years from the notification of these rules whichever is latter failing which he shall not be eligible to:—

- (a) cross the efficiency Bar next due;
- (b) confirmation in the services; and
- (c) promotion to the next higher post:

Provided that if a member becomes otherwise eligible for promotion, within the period mentioned above, he shall be considered for promotion and if otherwise found fit, shall be promoted provisionally subject to his passing the departmental examination. He may be reverted if he fails to pass the same:

Provided further that an Officer who has qualified the Departmental examination in whole or in part prescribed under any other rules before the notification of these rules, shall not be required to qualify the whole or in part of the examination as the case may be:

Provided further that an officer from whom no departmental examination was prescribed prior to the notification of these rules and who has attained the age of 45 years on the 1st March, 1976 shall not be required to qualify the departmental examination prescribed under these rules.

(ii) An Officer on promotion to a higher post in his direct line of promotion shall not be required to pass the aforesaid examination, if he has already passed the same in the lower gazetted post.

(iii) The Government may, in consultation with the Himachal Pradesh Public Service Commission grant in exceptional circumstances and for reasons to be reduced to writing, exemption in accordance with the departmental examination rules, to any class or category of persons from the departmental examination in whole or in part.

Sd/-
Secretary.

[Authoritative English text of this Department Notification No. Home.B (B) 2-2/30-Jails dated, 30th October, 1984 as required under clause (3) of Article 343 of the Constitution of India is hereby published].

Shimla-2, the 30th October, 1984

No. Home.B (B) 2-2/80-Jail.—In exercise of the powers conferred by proviso to Article 309 of the Constitution of India, the Governor, Himachal Pradesh in consultation with the Himachal Pradesh Public Service Commission is pleased to make the following rules to amend the Recruitment and Promotion Rules in respect of the posts of Superintendent, Open Air Jail, Bilaspur/Deputy Superintendent Jail, (class-III gazetted) in the prisons department of Himachal Pradesh notified vide notification No. H (j) 14-22/53 dated the 15th September, 1969 as amended from time to time, namely:—

1. *Short title and commencement*.—(1) These rules may be called the Himachal Pradesh prisons Department Class-II (Gazetted) Services (Recruitment Promotion and Certain Conditions of Service) for the posts of Superintendent, Open Air Jail, Bilaspur/Deputy Superintendent Jail, Class-II (Gazetted) (1st amendment) rules, 1984.

(2) These shall come into force with immediate effect

2. *Amendments to Annexure-A*.—For the existing entries of Col. 4 & 11 of Annexure 'A' of the Recruitment Rules for the posts of Superintendent, Open Air Jail, Bilaspur and Deputy Superintendent Jails, Class-II (Gazetted), the entry in Col. 4 & 11 shall be substituted namely:—

Col No. 4:
Rs. 750—1300.
Col. No. 11:

(i) Welfare Officer in the scale of Rs. 620—1200 (with 3 years service in the grade):

(ii) Assistant Superintendent Jails in the scale of Rs. 620-1200 (with 3 years service in the grade).

(The promotion is to be based on joint seniority list prepared on the basis of length of service in the grade.)

3. After Col No. 13 in Annexure 'A' of the aforesaid rules, the following Col. 14 shall be substituted, namely:—

Power to relax:

14. Where the Government is of the opinion that it is necessary or expedient to do so, in the public interest, it may, by order for reasons to be recorded in writing and in consultation with the HPPSC, relax any of the provisions of the rules with respect of any class or category or person or post.

4. In the end of the Annexure 'A' of the aforesaid rules, the following foot-notes shall be inserted, namely:—

Foot-notes:

1. A candidate for appointment to any service or post must be:—

- (a) a Citizen of India, or
- (b) a subject to Nepal, or
- (c) a subject to Bhutan, or
- (d) a Tibetan refugee who came over to India before the 1st January, 1962 with the intention of permanently settling in India, or
- (e) a person of Indian origin who has migrated from Pakistan, Burma, Sri Lanka, East African countries of Kenya, Uganda, the United Republic of Tanzania, (Formerly Tanganyika and Zanzibar), Zambia, Malawi Zaire and Ethiopia with the intention of permanently settling in India:

Provided that a candidate belonging to categories (b), (c), (d) and (e) shall be person in whose favour a certificate of eligibility has been issued by the Government of India/State Government.

A candidate in whose case a certificate of eligibility is necessary may be admitted to an examination or interview conducted by the HPPSC or other recruiting authority, but the offer of appointment may be given on or after the necessary eligibility certificate has been issued to him by the Government of India/Government of Himachal Pradesh.

2. Upper age limit is relaxable for Scheduled Castes/Tribes candidates and other categories of persons to the extent permissible under the general or special order of the Himachal Pradesh Government.

3. Provision of columns 10 and 11 are to be revised by the Government in consultation with the commission as and when the number of posts under column 2 are increased or decreased.

4. Selection for appointment to these posts in the case of direct recruitment, shall be made on the basis of *viva voce* test, if the Commission so considers necessary or expedient by a written test or a practical test, the standard/syllabus etc. of which will be determined by the Commission.

5. In all cases where a junior person becomes eligible for consideration by virtue of this total length of service (including *ad hoc* one) in the feeder post, all persons senior to him in the respective category shall be deemed to be eligible for consideration and placed above the junior persons in the field of consideration:

Provided that all incumbents to be considered for promotion/confirmation shall possess the minimum qualifying service of at least three years or that prescribed in the relevant recruitment & promotion rules for the post whichever is less:

Provided further that where a person becomes ineligible to be considered for promotion/confirmation on account of the requirement prescribed in the preceding proviso the person(s) junior to him shall also be deemed to be ineligible for consideration for such promotion/confirmation.

6. The appointments to this service shall be subject to orders regarding reservation in the services for Scheduled Castes/Scheduled Tribes/Backward classes issued by the Himachal Pradesh Government from time to time.

7. **Departmental Examination:**—(i) Every member of the service shall pass a Departmental Examination as prescribed in the Departmental Examination Rules within the probation period or within two years from the notification of these rules whichever is latter failing which he shall not be eligible to:—

- (a) Cross the Efficiency Bar next due;
- (b) Confirmation in the Services; and
- (c) Promotion to the next higher post:

Provided that if a member becomes otherwise eligible for promotion, within the period mentioned above, he shall be considered for promotion and if otherwise found fit, shall be promoted provisionally subject to his passing the departmental examination. He may be reverted if he fails to pass the same:

Provided further that an officer who has qualified the departmental examination in whole or in part prescribed under any other rules before the notification of these rules, shall not be required to qualify the whole or in part of the examination as the case may be:

Provided further that an officer for whom no departmental examination was prescribed prior to the notification of these rules and who has attained the age of 45 years the 1st March, 1976 shall not be required to qualify the departmental examination prescribed under these rules.

(ii) An Officer on promotion to a higher post in his direct line of promotion shall not be required to pass the aforesaid examination, if he has already passed the same in the lower gazetted post.

(iii) The government may, in consultation with the Himachal Pradesh Public Service Commission grant in exceptional circumstances and for reasons to be reduced to writing, exemption in accordance with the departmental examination rules, to any class or category of persons from the departmental examination in whole or in part.

Sd/-
Secretary.

शिमला-2, 20 अप्रैल, 1985

संख्या गृह-जी 0 (ए) 3-5/80(जल):—भारतीय संविधान के अनुच्छेद 309 के परन्तुक में प्रदत्त शक्तियों का प्रयोग करते हुए हिमाचल प्रदेश के राज्यपाल महोदय, हिमाचल प्रदेश लोक सेवा आयोग के परामर्श से हिमाचल प्रदेश जल विभाग में मुख्य कल्याण अधिकारी, राजपत्रित, द्वितीय श्रेणी (जल) के भर्ती एवं पदोन्नति नियम, 1981 जो

की अधिसूचना संख्या पी 0 आर 0 ए 0 (3)-5/80, दिनांक 20 नवम्बर, 1981 द्वारा अधिसूचित किए गए थे, में सहर्ष निम्नलिखित संशोधन करते हैं:—

1. **Short title and Commencement.**—(1) These rules may be called the Himachal Pradesh Prisons Department Chief Welfare Officer (Prisons) Class-II (Gazetted) Recruitment and Promotion (2nd amendment) Rules, 1985.

(2) These shall come into force with immediate effect.

2. **Amendment to Annexure-I.**—(2) for entries in Col.-6 and foot notes 2 & 5 of annexure-I to the Himachal Pradesh Prisons Department (Chief Welfare Officer, Prisons) Class-II (Gazetted) Recruitment and Promotion Rules 1981, the following entries in Col. 6 and foot notes 2 & 5 shall be substituted:—

Column No. 6:

“35 years and below”

Foot Note No. 2:

Upper age limit for direct recruits will not be applicable to the candidates already in the service of the Government.

Foot Note No. 5:

Age and experience for direct recruits relaxable at the discretion of the Commission in the case of candidates otherwise well qualified.

आदेशानुसार,
हस्ताक्षरित,
सचिव ।

[Authoritative English text of this Department Notification No. Home.B (A) 3-5/80 jails dated 20-4-85 as required under clause (3) of Article 38 of the Constitution of India is hereby published].

Shimla-2, the 22nd May, 1985

No. Home B (A) 3-5/80-Jails.—In exercise of the powers conferred by proviso to Article 309 of the Constitution of India, the Governor of Himachal Pradesh in consultation with the Himachal Pradesh Public Service Commission is pleased to make the following amendments in the Recruitment and Promotion Rules in respect of Class-II (Gazetted) services for the post of Chief Welfare Officer (Prisons) in Himachal Pradesh Prisons Department notified vide notification No. P.R.A (3)-5/80 dated the 20th November, 1981 namely:—

1. **Short title and commencement.**—(1) These rules may be called the Himachal Pradesh Prisons Department (Chief Welfare Officer (Prisons) (Class II Gazetted) Recruitment and Promotion (2nd Amendment) Rules, 1985.

(2) These shall come into force with immediate effect.

2. **Amendment to Annexure-I.**—For entries in Col. 6 and foot notes 2 and 5 of Annexure-I to the Himachal Pradesh Prisons Department (Chief Welfare Officer) (Prisons) (Class II Gazetted) Recruitment & Promotion Rules, 1981, the following entries in col. 6 and foot notes 2 & 5 shall be substituted:—

Col. No. 6:

“35 years and below”.

Foot note No. 2:

Upper age-limit for direct recruits will not be applicable to the candidates already in the service of the Government.

Foot note No. 5:

Age and experience for direct recruits relaxable at the discretion of the Commission in the case of candidates otherwise well-qualified.

Sd/-
Secretary.

Shimla-2, the 13th June, 1977

No. PR-B (13)/75.—In exercise of the powers conferred under proviso to Article 309 of the Constitution of India and all other powers enabling him in this behalf, the President of India is pleased to make the following rules in respect of Himachal Pradesh Jails Department Class IV Service in regard to the following matters, namely:—

- (i) the method of recruitment to the Himachal Pradesh Jails Class-IV Service;
- (ii) the qualifications necessary for appointment to such service and posts; and
- (iii) the other conditions of service of persons appointed to such service and posts for the purposes of probation, confirmation, seniority and promotion.

RECRUITMENT RULES

PART—I GENERAL

1. *Short Title & Commencement.*—(a) These rules may be called the Himachal Pradesh Jails Department Class (IV Service), (Recruitment, Promotion and Certain Conditions of Service) Rules, 1976.

(b) These rules shall come into force from the date of their publication in the Rajpatra.

2. In these rules, unless their is anything repugnant in the subject or context:—

- (a) "Appointing Authority" means the authority competent to make appointments to the categories of posts in the service.
- (b) "appendix" means appendix to these rules;
- (c) "Direct appointment" means an appointment made otherwise than by promotion from amongst the members of the service or by transfer of an official already in the service of the Government;
- (d) "Department" means the Himachal Pradesh Jails Department.
- (e) "Departmental Promotion Committee" means the committee constituted by the Government under Rule 9 to recommend candidates for appointment to the various posts in the service either by promotion or by transfer or by direct recruitment;
- (f) "President" means the President of India;
- (g) "Head of department" means the Inspector General of Prisons, Himachal Pradesh and including any other authority who is specially appointed by the Government to exercise the powers of Head of Department, for the purposes of these rules.
- (h) "Inspector General of Prisons" means the Inspector General of Prisons Jails Department, Himachal Pradesh;
- (i) "Members" means a member of Himachal Pradesh Jails Department Class IV Service;
- (j) "Recognised Schools" means any school run by the Government or by a local body and declared or recognised by the Government.
- (k) "Scheduled Castes" means castes, races or tribes or parts of groups within castes, races or tribes specified in the Constitution (Scheduled Castes) Order, 1950 as amended by Section 19 (1) read with the First Schedule of the State of Himachal Pradesh Act, 1970 (53 of 1970) and as it may further be amended from time to time;
- (l) "Scheduled tribes" means the tribes or tribal communities or parts of groups within tribes or tribal communities specified in the Schedule to the Constitution (Scheduled tribes) Order, 1950, as amended by section 20 (1) read with Third Schedule of the State of Himachal Pradesh Act, 1970 (53 of 1970), and as it may further be amended from time to time.

(m) "Government" means Himachal Pradesh Government in the Administrative Department;

(n) "Service" means the Himachal Pradesh Jail Department Class IV Service.

PART—II— RECRUITMENT TO SERVICE

3. *Character of posts.*—The Character (i.e. Category, designation, grades of the various posts included in the service and their rates of pay shall be as indicated in the annexure to these rules, subject to the revision of pay scales by the Government from time to time.

4. *Authority empowered to make appointment.*—All appointments to the posts in the service shall be made on the recommendation of the Departmental Promotion Committee by the Department or any other authority declared as such by the Government.

5. *Nationality, Eligibility & age etc.*—(1) No person shall be appointed to the service, unless he/she:—

- (a) is a citizen of India, or
- (b) is a subject of Nepal, or
- (c) is a subject of Bhutan, or
- (d) is a Tibetan Refugee who came over to India before 1st January, 1962, with the intention of permanently settling in India, or
- (e) is a person of Indian origin who has migrated from Pakistan with the intention of permanently settling in India:

Provided that a candidate belonging to categories (b) to (e) above must be a person in whose favour a certificate of eligibility has been given by the competent authority:

Provided further that if he/she belongs to category (a), the certificate of eligibility shall be valid only for a period of one year from the date of his/her appointment, beyond which he/she may be retained in service only if he/she has become a citizen of India.

A candidate in whose case a certificate of eligibility is necessary may, however, be admitted to an examination or interview conducted by the Departmental Promotion Committee on his furnishing proof that he/she was applied for the certificate and he/she may also be provisionally appointed subject to the necessary certificate being eventually given to him by the competent authority.

(2) Unless he/she is already in Government service a candidate must produce:

- (a) certificate of good moral character from two responsible persons, not being his/her relatives, who are well acquainted with him/her in private life;
- (b) a medical certificate of fitness as required under the rules applicable to service;
- (c) a declaration to the effect that he has not more than one living wife and in the case of women, a declaration to the effect that she is not married to a person already, having a living wife;

Provided that the Government may, if satisfied that there are special grounds for doing so exempt any person from the operation of this clause.

A candidate for appointment to the service as a direct recruit must not be less than 18 years and more than 27 years of age on the date of appointment:

Provided that the Government may if it is of the opinion that a candidate is otherwise fit to discharge his duties satisfactorily, relax the minimum and maximum age limits:

Provided further that the maximum age limit may be relaxed in the case of candidate, belonging to Scheduled Castes and Scheduled Tribes, displaced persons and other special categories in accordance with the orders issued by the Government in that behalf from time to time.

6. *Verification of antecedents.*—Antecedents of all persons appointed by direct recruitment shall be verified immediately and those appointed by transfer and whose antecedents have not been verified previously shall also be sent for verification immediately after such persons join the post(s) in the department.

7. *Educational qualification of candidates.*—No person shall in future be appointed to the service, unless in the case of appointment to the post of:—

(i) *Turnkeys.*—He has passed the Middle School Examination or above of a recognised School or Board of School Education. The prescribed educational qualifications will be relaxed in the case of transfer from the post of Peon, Chowkidar and Mali; provided that such a transferee is either permanent or quasi-permanent and has put in at least 2 years service in that grade.

(ii) *Peon.*—He has passed the Middle School Examination or above of a recognised school or Board of School Education. The prescribed educational qualifications will be relaxed in the case of transfer from the post of Chowkidar, Mali; provided that such a transferee is either permanent or quasi-permanent and has put in at least two years service in that grade.

(iii) *Sweepers.*—He should possess the knowledge of reading and writing Hindi:

(iv) *Mali.*—He should possess the knowledge of reading and writing Hindi.

Provided the condition as prescribed above may be relaxed by orders of the appointing authority in case persons of requisite qualification for appointment to the class-IV service are not available through Employment Exchanges.

8. Appointment to the posts in the service shall be made:—

(i) *Peon, Turnkey, Sweeper and Mali.*—By transfer of a person already in the service of the Government or by direct recruitment;

(ii) Nothing in these rules, shall effect reservations and other concessions required to be provided for Scheduled Castes and Scheduled Tribes and other special categories of persons in accordance with the orders issued by the State Government from time to time in this regard.

(iii) Provided further that no person shall be eligible for appointment to the service unless he/she possess knowledge of customs, manners and dialects of Himachal Pradesh.

9. *Departmental Promotion Committee.*—The Departmental Promotion Committee shall be constituted by the Government from time to time. The Departmental Promotion Committee shall also act as Selection Committee.

PART-III

10. (1) Persons appointed to the service shall remain on probation for a period of two years:

Provided that—

(a) any period, after appointment to the service, spent on deputation on a corresponding or a higher post shall count towards the period of probation fixed under this rule;

(b) in the case of an appointment by transfer any period of work in similar rank or above, prior to appointment to the service may, at the discretion of the appointing authority be allowed to count towards the period of probation fixed under this rule;

(c) an officiating appointment in the service shall be reckoned as a period spent on probation but no member who has thus officiated shall, on the completion of the prescribed period of proba-

tion, be entitled to be confirmed, unless he is appointed against a permanent post.

(2) If the work and conduct of a person appointed to the service during the period of probation in the opinion of the appointing authority not satisfactory, it may:—

(a) dispense with his services, if recruited by direct appointment; or

(b) if recruited otherwise—

(i) revert him to his former post; or

(ii) deal with him/her in such other manner as the terms and conditions of his/her previous appointment permit.

(3) On the satisfactory completion of the period of probation of a person, the appointing authority may—

(a) if his/her work and conduct, has in its opinion been satisfactory—

(i) confirm such person from the date of his/her appointment, if appointed against a permanent post; or

(ii) extend his/her period of probation and thereafter pass such orders as it could have passed on the expiry of the first period of probation:

Provided that the total period of probation including extensions, if any, shall not exceed three years.

11. *Seniority of members of service.*—(1) The seniority of the persons appointed in a substantive or officiating capacity to a grade, prior to the issue of these rules shall retain the relative seniority already assigned to them under the existing orders, applicable to their cases and shall be senior to all others in that grade.

Explanation.—For the purposes of these rules:

(a) persons who are confirmed retrospectively with effect from a date earlier than the issue of these rules;

(b) persons appointed on probation to a permanent post substantively vacant in a grade prior to the issue of these rules;

Shall be considered to be permanent officials of the grade—

(2) Subject to the provisions of paragraph (a) and (b) permanent official or such grade shall be ranked senior to person who are officiating in the grade.

(3) *Direct Recruits.*—Notwithstanding the provisions of rules (2) above, the relative seniority of all direct recruits shall be determined by order of merit in which they are selected for such appointment on the recommendations of the selecting authority, persons appointed as a result of an earlier selection being senior to these appointed as a result of a subsequent selection:—

(i) Provided that where persons recruited initially on a temporary basis are confirmed subsequently in an order different from the order of merit indicated at the time of their appointment seniority shall follow the order of confirmation and not the original order of merit.

(ii) Provided further that a person who does not join within the specified period, shall lose his seniority according to the select list and shall rank in the seniority next to the person who joined earlier.

(iii) Provided further that he shall not lose his seniority if the fact of his joining later was caused by circumstances beyond his control and for reasons to be recorded in writing, the appointing authority is satisfied that this was so.

(4) *Transfers.*—The relative seniority of persons appointed by transfer to this service from the other office or the Central Government or the other Departments of the Government shall be determined in accordance with the order of their selection for such transfer.

(5) Relative seniority of Direct Recruits and Promotions.

Promotees shall be senior to direct recruits appointed on the same date.

12. *Pay of Members of the service.*—Members of the service shall be entitled to such scales of pay as may be sanctioned by the Government from time to time for the posts to which they are appointed.

13. *Leave, Pension etc.*—In respect of leave, pension and other connected matters not specifically mentioned in these rules the members of the service shall be governed by such rules and regulations, as may have been or may hereafter be framed by the competent authority under any law or rules made thereunder.

14. *Disciplinary matters.*—In respect of matters relating to discipline, punishment and appeals, the members of the service shall be governed by the rules, instructions executive orders as are made applicable by the Government from time to time.

15. *Liability to transfer.*—Every member of the service shall be liable to transfer under orders of the appointing authority prescribed in rule 4 from posts within their respective classes of appointment to other posts in the

department and also anywhere within the jurisdiction of such authority.

16. *Oath of allegiance.*—Every member of the service, unless he has already done so, shall be required to take the oath of allegiance to India and the Constitution of India as by law established.

17. *Power to relax.*—Where the Government is satisfied that the operation of any of these rules cause undue hardship in any particular case, it may, by such order and for reasons to be recorded in writing, relax the requirements of any of the provisions of these rules as it may consider necessary for dealing with case in just and equitable manner.

ANNEXURE

Sl. No.	and Name of post	No of posts	Grades (Scales of Pay)
1	2	3	4
1.	Turnkeys	12	Rs. 75-105 (75-3-90-3-105).
2.	Peon	1	Rs. 70-2-80-3-95.
3.	Mali/Water Carrier	1	Rs. 70-2-80-3-95.
4.	Sweepers	14	Rs. 70-2-80-3-95.
Total		28	

S. K. CHAUHAN, ¹
Secretary.

भाग 4—स्थानोपस्थापन शासन : म्युनिसिपल बोर्ड, डिस्ट्रिक्ट बोर्ड, नोटिफाइड और टाउन एरिया तथा पंचायती राज विभाग

न्यून

भाग 5—वैयक्तिक अधिसूचनाएं और विज्ञापन

In the Court of Shri S.S. Ahuja, District Judge, Hamirpur,
Himachal Pradesh

Succession Act petition No 1 of 1986
Date of Institution 27-1-1986
Date of hearing 28-4-1986

Hans Raj s/o Shri Surjan, r/o Tika Lahsha, Tappa Galore,
Tehsil & District Hamirpur, Himachal Pradesh.

.. Petitioner.

Versus

General public .. Respondent.

Application u/s 373 of the Indian Succession Act for
issuance of Succession Certificate.

To

The general public.

Whereas the above noted petitioner has moved an application duly supported with an affidavit under the Indian Succession Act praying therein that Succession Certificate in respect of the assets/debts of Shri Kirpa Ram s/o Shri Bajira died on 2-10-1981 may be issued in his favour.

Hence this proclamation is hereby issued to the general public and kith and kins of the deceased to file their objection if any, before this court on or before 28-4-1986 at 10 A.M. either personally or through authorised agent, failing which Succession certificate, as sought to be issued shall be granted *ex-parte* in favour of the petitioner.

Given under my hand and the seal of this Court today the 30th day of January, 1986.

Seal.

S. S. AHUJA,
District Judge, Hamirpur.

In the Court of Shri S.S. Ahuja, District Judge, Hamirpur,
Himachal Pradesh

Succession Act petition No. 2 of 1986.
Date of Institution .. 30-1-1986.
Date of hearing .. 28-4-1986.

S/Shri (1) Hem Raj, (2) Des Raj sons of Kirana Devi
d/o Shri Durga Ram, r/o village Samrala, Tappa Mehla,
Tehsil & District Hamirpur, Himachal, Pradesh.

.. Petitioners.

Versus

General public .. Respondent.

Application u/s 372 of the Indian Succession Act for
issuance of Succession Certificate.

To

The general public.

Whereas the above noted petitioner has moved an application duly supported with an affidavit under the Indian Succession Act praying therein that Succession Certificate in respect of the assets/debts of Shri (1) Durga Ram died on 14-9-83. (2) Roshani Devi died on 18-10-85 may be issued in his favour.

Hence this proclamation is hereby issued to the general public and kith and kins of the deceased to file their objection of any, before this Court on or before 28-4-1986 at 10 A.M. either personally or through authorised agent, failing which Succession Certificate/Probate of Will/Letters of Administration, as sought to be issued shall be granted *ex parte* in favour of the petitioners.

Given under my hand and the seal of this Court today the 1st day of January, 1986.

Seal.

S. S. AHUJA,
District Judge, Hamirpur.

In the Court of Shri S.S. Ahuja, District Judge, Hamirpur,
Himachal Pradesh

Tehsil Nurpur, District Kangra

.. Petitioner.

Succession Act petition No. 18 of 1985.
Date of Institution. 10-12-1985
Date of hearing. 28-4-1986.

Versus

The general public. .. Respondent.

Versus: The general public.

(1) Smt. Miro Devi widow, (2) Capt. Kanwar Singh Chahal (3) Gentleman Cadet Kulwant Singh Chahal sons of Late Hardev Singh Residents of Village Bela, Tappa Jalari, Sub-Tehsil Nadaun, District Hamirpur, Himachal Pradesh .. Petitioners.

Versus

General public. .. Respondent.

Application u/s 372 of the Indian Succession Act for issuance of Succession Certificate.

To

The general public.

Whereas the above noted petitioners have moved an application duly supported with an affidavit under the Indian Succession Act praying therein that Succession Certificate in respect of the assets/debts of Shri Hardev Singh died on 16-11-1985 may be issued in his favour.

Hence this proclamation is hereby issued to the General Public and kith and kins of the deceased to file their objection if any, before this Court on or before 28-4-1986 at 10 A.M. either personally or through an authorised agent, failing which Succession Certificate/Probate of Will/Letters of Administration as sought to be issued shall be granted *ex parte* in favour of the petitioners.

Given under my hand and the seal of this Court today the 30th day of February, 1986.

Seal. S. S. AHUJA,
District Judge, Hamirpur.

PROCLAMATION U/O 5, RULE 20 C.P.C.

In the Court of Shri S.S. Ahuja, District Judge, Hamirpur as well as Additional District Judge, Shimla Division at Bilaspur, Himachal Pradesh

Civil Misc. Appeal No. 3-B/85

Next date of Hearing—15-3-86

Kirpa etc. Versus Nand Lal etc.

Whereas in the above noted case, it has been proved to the satisfaction of this Court that the respondents No. 7, Shri Inder No. 8, Shri Balia sons of Paras Ram No. 13 Nanda s/o Ram Saran all residents of Village Lahot pargana Ajmerpur, Tehsil Ghumarwin, District Bilaspur, Himachal Pradesh are evading service of the summons and cannot be served in the normal course of the service. Hence this proclamation is hereby issued against them to appear in this Court on the date fixed for hearing on 15-3-1986 at Bilaspur at 10 A.M. personally or through an authorised agent or pleader to defend the case failing which *ex parte* proceedings will be taken against him.

Given under my hand and seal of the Court today the 30th day of January, 1986.

Seal. Sd/-
District Judge, Hamirpur
as well as Addl. District
Judge, Shimla Division,
at Bilaspur, H.P.

In the Court of Shri D.P. Sood, District Judge, Kangra at Dharamshala

In Re.—Guardianship Act Petition No. 1 of 1986.

Smt. Kunna Bibi wd/o Ysaf son of Alaf Din, Caste, Mohammadan Gujjar, resident of Tika and Mauza Banoli,

Whereas the above named petitioner has filed an application in this Court for permission to sell the land of the minors under the Guardian and Wards Act, 1880, the land comprises in Khata No. 69 min, Khatauni No. 161, Khasra Nos. 429,431,432,437,439,442,443, plot 7 measuring 2-24-06 hec. and land measuring 0-12-17 hec. being 12 share of the land entered in Khata No. 71, Khatauni No. 165, Khasra Nos. 57,59 measuring 2-42-23 hec. as entered per Missal Hakiyat Bandobast Jadid of Mohal Banoli, Tehsil Nurpur, District Kangra which is owned and possessed by the minors S/Shri Hussainu and Yakub sons of Ysaf son of Shri Alaf Din, Caste Mohammadan Gujjar, Tehsil Nurpur, District Kangra.

Hence this proclamation is hereby issued to the general public of the illaqua and the near relations of the minors to file objections, if any, for the grant of such permission in this Court on 7-3-1986 at 10.00 A.M. personally or through pleader or any authorised agent failing which the petition will be heard and disposed of *ex parte*.

Given under my hand and the seal of the Court, this 4th day of February, 1986.

Seal. D. P. SOOD,
District Judge,
Kangra at Dharamshala.

In the Court of Shri O.P. Sharma, District Judge, Una, District Una, Himachal Pradesh

Civil Appeal No. 134 of 1985

Gian Chand Versus Kishna and others.

Versus:

1. Kishna s/o Asa, 2. Surjit Singh minor s/o Bishna through Kishna real uncle as next friend of the minor, caste Bahti, resident of village Badehar alias Dehlan, Tehsil and District Una, 3. Salig Ram, 4. Bansi Lal sons of Nathu, 5. Smt. Sita Devi wd/o Mohan Lal, 6. Smt. Bachni d/o Mohan Lal, caste Brahman, residents of Village Lamlehra, Tehsil and District Una .. Respondents.

Whereas in the above noted civil appeal, it has been proved to the satisfaction of this Court that the above named respondents are evading the service of the summons and cannot be served in the ordinary way of service of summons. Hence this proclamation under order 5, rule 20 of the Civil Procedure Code is hereby issued against them to appear in this Court on 12-3-1986 at 10 A.M. personally or through an authorised agent or pleader to defend the appeal, failing to which the case will be heard and decided *ex-parte*.

Given under my hand and the seal of the Court this 30th day of January, 1986.

Seal. O.P. SHARMA,
District Judge,
Una.

In the Court of Shri T.N. Vaidya, Senior Sub-Judge, Bilaspur, Himachal Pradesh

In case No. 8/5 of 1985

1. Neem Akhtar } sons of Shri Sitar Mohammad s/o
2. Zakir Husain } Roshan Din, r/o Village Samoh.
3. Binny Amin, } Tehsil Ghumarwin, District
Bilaspur, Himachal Pradesh,
4. Mst. Rehmi } widow of .. Petitioners.

Versus

General public.

Petition under Indian Succession Act for grant of probate of the annexed Will of Shri Sitar Mohammad s/o Shri Roshan Din deceased in favour of the petitioners.

The general public.

Whereas the above noted petitioners have filed an application under Indian Succession Act for grant of succession certificate in respect of the deceased late Shri Sitar Mohammad s/o Shri Roshan Din, r/o Village Samoh, Tehsil Ghumarwin, District Bilaspur, Himachal Pradesh who was father of petitioners No. 1 to 3 and husband of petitioner No. 4 died at Village Samoh on 21st day of January, 1985.

Notice is hereby given to the general public to file objections if any, against the grant of succession certificate in favour of the petitioners on 11-3-1986 at 10 A.M. in this Court failing which *ex parte* proceedings shall be taken in accordance with law.

Given under my hand and the seal of the Court on this 7th day of February, 1986.

Seal. T. N. VAIDYA,
Senior Sub-Judge, Bilaspur.

In the Court of Shri Shamsher Singh, Senior Sub-Judge, Hamirpur

Civil Suit No. 91/78, Execution No. 27/85

Udho Ram Vs. Jai Nand.

Versus: Shri Jai Nand s/o Mahant Ram, resident of Balyut, P.O. Lambloo, Tappa Ugialta, Tehsil and District, Hamirpur.

Whereas in the above noted case it has been proved to the satisfaction of this Court that the above named defendant cannot be served in the ordinary course of service as he is evading the service of summons issued against him.

Hence this proclamation u/o 5, rule 20, C.P.C. is hereby issued against him to appear in this Court on 15-3-1986 at 10 A.M. personally or through an authorised agent or pleader to defend the case, failing which he will be proceeded *ex parte*.

Given under my hand and the seal of the Court this 10th day of February, 1986.

Seal. SHAMSHER SINGH,
Senior Sub-Judge, Hamirpur.

In the Court of Shri Shamsher Singh, Senior Sub-Judge, Hamirpur

Civil Suit No. 53/85

Raj Singh Vs. Balwant Singh.

Versus: (5) Smt. Gian Devi wd/o Madhusudan Singh, (7) Smt. Kokla Devi d/o Madhusudan Singh, r/o Jalari, Tehsil and District Hamirpur, (13) Anand Dev Singh s/o Sarwan Singh, r/o Jalari at present A-11/4 Basant Bihar New Delhi-110057, (17) Smt. Parmila w/o Sukal Rana Lecturer Government Polytechnic Hamirpur, (18) Smt. Jai Devi wd/o Parmodh Singh, r/o Jalari, Tehsil and District Hamirpur, (22) Ranjit Singh s/o Jarha Sand Assistant Treasury Officer, Kangra.

Whereas in the above noted case, it has been proved to the satisfaction of this Court the above named defendants

cannot be served in the ordinary course of service as he is evading the service of summons issued against them.

Hence this proclamation u/o 5, rule 20, C.P.C. is hereby issued against them to appear in this Court on 15-3-86 at 10 A.M. personally or through an authorised agent or pleader to defend the case, failing which they will be proceeded *ex parte*.

Given under my hand and the seal of the Court this 10th day of February, 1986.

Seal. SHAMSHER SINGH,
Senior Sub-Judge, Hamirpur.

In the Court of Senior Sub-Judge, Hamirpur

Civil Suit No. 227/1984

Brij Lal Vs. Om Parkash.

Versus: (2) Shri Lal Kishan s/o Tulsu Ram (12) Lakha Ram s/o Ram Dayal s/o Gosaun, r/o Tikka Pehrwin, Tappa Dhatwal, Tehsil Barsar.

Whereas in the above noted case, it has been proved to the satisfaction of this Court that the above named defendants cannot be served in the ordinary course of service as he is evading the service of summons issued against them.

Hence this proclamation u/o 5, Rule 20, C.P.C. is hereby issued against them to appear in this Court on 11-3-86 at 10 A.M. personally or through an authorised agent or pleader to defend the case, failing which they will be proceeded *ex parte*.

Given under my hand and the seal of the Court this 10th day of February, 1986.

Seal. SHAMSHER SINGH,
Senior Sub-Judge, Hamirpur.

In the Court of Shri B.D. Sharma, Senior Sub-Judge, Mandi, District Mandi, Himachal Pradesh

In the matter of:—

Succession Case No.

1. Savitri Devi wd/o Yudhister Sharma, 2. Suman Kalyan Kanchan, 3. Mukesh Kalyan Kanchan both sons of Yudhister Sharma (Petitioner No. 2 and 3 both minors) through their next friend guardian their mother Savitri Devi all r/o village Bahot, P.O. Chatrokheri, Tehsil Sundernagar, District Mandi. .. Petitioners.

Versus

General public .. Respondent.

Application u/s 372 of Indian Succession Act, for Grant of Succession Certificate.

Notice to:—

The general public.

Whereas in the above noted case applicants Savitri etc. has applied for grant of succession certificate in respect of the estate of Shri Yudhister Sharma who died on 23-7-83. Notice of this petition is hereby issued to the General Public, kith and kins of the deceased to file objection if any in this Court on or before 25-3-1986 at 10.00 A.M. regarding issuance of Succession Certificate in favour of the petitioner failing which the petition will be heard *ex parte*.

Given under my hand and seal of the Court today the 28th day of January, 1986.

Seal. B. D. SHARMA,
Senior Sub-Judge,
Mandi.

PROCLAMATION UNDER ORDER 5, RULE 20 C.P.C.
In the Court of Shri V.K. Ahuja, Senior Sub-Judge, Una,
Himachal Pradesh

Civil Misc. Application

Sheela Devi *Versus* Narain Dass.

To
Smt. Kamla Devi d/o Hakam, r/o Village Gagret,
Tehsil Amb. District Una, Himachal Pradesh.

Whereas in the above noted case it has been proved to the satisfaction of this Court that the above noted defendant/respondent is evading the service of summons issued to her. Hence this proclamation is issued against her to appear in this Court on 17-3-1986 at 10 A.M. personally or through an authorised agent or pleader to defend the case, failing which *ex parte* proceedings will be taken against her.

Given under my hand and seal of the Court this 5th day of February, 1986.

Seal. V. K. AHUJA,
Senior Sub-Judge, Una.

PROCLAMATION U/O 5, RULE 20 C.P.C.

In the Court of Shri V.K. Ahuja, Senior Sub-Judge, Una,
Himachal Pradesh

Civil Suit No. 41 of 1984

Bakshi Ram *Versus* Kartar Singh

To
Shri Bishan Chand s/o Dheru, r/o Village Nangal Khurd
Sub-Tehsil Haroli, District Una, Himachal Pradesh.

Whereas in the above noted case summons were issued to the above named defendant in several time but they have been received back unserved. Now it has been proved to the satisfaction of this Court that the above named defendant is evading the service of summons issued to him. hence this proclamation is issued against him to appear in this Court on 12-3-1986 at 10 A.M. personally, or through an authorised agent or pleader to defend the case, failing which *ex parte* proceedings will be taken against him.

Given under my hand and seal of the Court this 3rd day of February, 1986.

Seal. V. K. AHUJA,
Senior Sub-Judge.
Una.

PROCLAMATION U/O 5 RULE 20 C.P.C.

In the Court of Shri J.L. Chauhan, Sub-Divisional Judicial
Magistrate, Dehra, District Kangra, Himachal Pradesh

Criminal Case No. 69-IV/85

Sarla Devi etc. *Vs.* Jeet Lal

To
Shri Jeet Lal (Driver), s/o Kirpa, r/o Burwara, Mauza
Paissa, Tehsil Dehra, District Kangra at present c/o Aggarwal Shopkeeper, New Prabhi Road 171, Bombay-25
(400025).

Whereas in the above noted case it has been proved to the satisfaction of this Court that the above noted defendant is evading the service of the summons and cannot be served in the normal course of the service. Hence this proclamation is hereby issued against the defendant to appear in this Court on the date fixed for hearing on 20-3-1986 at 10 A.M. personally or through an authorised agent or pleader to defend the case, failing which *ex parte* proceedings will be taken against you.

Seal. J. L. CHAUHAN,
Sub-Divisional Judicial Magistrate,
Dehra, District Kangra.

In the Court of Shri J.C. Sood, Sub-Judge (I) Hamirpur,
Himachal Pradesh

Civil Suit No. 22/84

Bachittar Singh *Vs.* Rup Singh.

Versus:

Kuldip Chand s/o Dharam Singh r/o, Tikkar Tappa
Bhaleth, Tehsil & District Hamirpur, Himachal Pradesh.
.. Defendant.

Whereas in the above noted case it has been proved to the satisfaction of this Court that service upon the defendant above noted is not possible by an ordinary mode of service. Hence this proclamation Under Order 5 Rule 20 of the Civil Procedure Code is hereby issued against the defendant to appear before this Court on 11-3-86 at 10.00 A.M. personally, through an authorised agent or pleader to defend the case, failing which case will be heard *ex parte*.

Given under my hand and seal of the Court today the 30th day of January, 1986.

Seal. J. C. SOOD,
Sub-Judge (I),
Hamirpur.

In the Court of Shri S.L. Sharma, Sub-Judge 1st Class
Chopal, District Shimla, Himachal Pradesh

Case No. 19/85

Hira Singh *Vs.* Rajpal Chauhan.

To
Rajpal Chauhan s/o Shri Mangat Ram Chauhan, r/o
Village Domehar, Tehsil Kotkhai, District Shimla, Himachal Pradesh
.. Defendant.

Whereas in the above noted case it has been proved to the satisfaction of this Court that the above noted defendant cannot be served through ordinary mode of service. Hence proclamation under order 5, Rule, 20, C.P.C., is hereby issued against him to appear in this Court on 27-3-1986 at 10 A.M. personally or through an Advocate or authorised agent to defend the case, failing which *ex parte* proceedings shall be taken against him in accordance with law.

Given under my hand and the seal of the Court this the 10th day of January, 1986.

Seal. S. L. SHARMA,
Sub-Judge 1st Class,
Chopal, District Shimla.

In the Court of Shri S.L. Sharma, Sub-Judge 1st Class,
Chopal, District Shimla, Himachal Pradesh

Case No. 18/85

Rai Singh *Vs.* Rajpal Chauhan.

To
Rajpal Chauhan s/o Shri Mangat Ram Chauhan, r/o
Village Domehar, Tehsil Kotkhai, District Shimla
Himachal Pradesh
.. Defendant.

Whereas in the above noted case it has been proved to the satisfaction of this Court that the above noted defendant cannot be served through ordinary mode of service. Hence proclamation under order 5, Rule 20 C.P.C. is hereby issued against him to appear in this Court on 27-3-1986 at 10 A. M. personally or through an Advocate or authorised agent to defend the case, failing which *ex parte* proceedings shall be taken against him in accordance with law.

Given under my hand and the seal of the Court this the 10th day of January, 1986.

Seal. S. L. SHARMA,
Sub-Judge, 1st Class,
Chopal, District Shimla.

In the Court of Shri Jagmohan Singh Mahantani, Sub-Judge 1st Class (I) Nurpur, District Kangra

C. Suit No. 370 of 1982

Kali Dass s/o Rasila Bhallo s/o Taru and others.

Suit for P. Injunction

To

Shri Suriender Kumar s/o Shri Bhallu Ram, Smt. Sandhya Devi d/o Bhallu Ram rs/o Tikka Dieol, Mauza Kothiwardan, Tehsil Nurpur, District Kangra.

Whereas it has been proved to the satisfaction of this Court that the above named defendants cannot be served through the ordinary process of service. Hence this proclamation u/o 5, R 20, C.P.C. is issued against them requiring them to appear in this Court on 29-3-1986 personally or through an authorised agent or pleader failing which the matter shall be heard and decided *ex parte*.

Given under my hand and seal of the Court this 11th day of February, 1986.

JAGMOHAN SINGH MAHANTANI,
Sub-Judge 1st Class,
Nurpur, District Kangra.

In the Court of Shri Bhim Chand, Sub-Judge, 1st Class (II) Nurpur, District Kangra

Civil Suit No. 86/85 Title SBI Jassur vs. Kishore Chand etc.

Versus:

Shri Kishor Chand Sharma s/o Shri Jagat Ram Sharma, r/o Village Khanni Chaugan, P.O. Khanni, Tehsil Nurpur.
.. Defendant.

Whereas in the above noted case it has been proved to the satisfaction of this Court that the above named defendant is evading services of summons issued against him and cannot be served through an ordinary course of service. Hence this proclamation under order 5, rule 20 C.P.C. is hereby issued to the above named defendant to appear before this Court on 24-3-86 personally, through an authorised agent or pleader to defend the case failing which the case will be heard and decided *ex parte*.

Given under my hand and seal of this Court on this 10th day of February, 1986.

BHIM CHAND,
Sub-Judge, 1st Class (II),
Nurpur, District Kangra.

Notice u/o 5, Rule 20 C.P.C.

In the Court of Shri K. L. Sharma, Sub-Judge, 1st Class, Una, Himachal Pradesh

Execution No. 41/85

Karan Dev Versus Raj Kumar.

Versus:

1. Raj Kumar, 2. Bhupinder Kumar, 3. Ashok Kumar, 4. Rakesh Kumar 5. Bishan Kumar sons of Hans Raj, Caste Khatri, r/o Village & P. O. Amb, District Una, Himachal Pradesh.

Whereas in the above noted execution it has been proved to the satisfaction of this Court that the above named respondents/J.Ds are evading the service of notices issued to them. Hence this proclamation is issued against them to appear in this Court on 19-3-86 at 10 A.M. personally, or through an authorised agent or pleader to defend the case, failing which *ex parte* proceedings will be taken against them.

Given under my hand and the seal of the Court this 31st day of January, 1986.

K.L. SHARMA,
Sub-Judge, 1st Class.
Una.

PROCLAMATION UNDER ORDER 5, RULE 20 C.P.C.
In the Court of Shri Chamel Singh, H.A.S. Sub-Divisional Officer (C) Exercising the Power of Collector, Palampur, Kangra, Himachal Pradesh

Case No. 41 of 1983-84

In Case.—Shri Mohan Lal Versus Sukru Ram etc.

Versus:

1. Sukru Ram, 2. Kesho, 3. Situ, sons, 4. Suti Devi, 5. Simro Devi daughters and, 7 Smt. Gurdei, widow of Shri Mangat Ram s/o Shri Lehnu residents of Mohal Saliana, Tehsil Palampur, Kangra, Himachal Pradesh.

Appeal against the Order dated 7-8-1984 passed by the Assistant Collector II Grade Baijnath in Case No. 121 titled as Mohan Lal vs. Sukru Ram and others, in the Correction Application.

Whereas in the above noted case, it has been proved to the satisfaction of this Court that the above noted defendants are evading the service of the summons and cannot be served in the normal course of the service. Hence this proclamation is hereby issued against them to appear in this Court, on the date fixed for hearing on 17-3-1986 at 10.00 A.M. personally or through an authorised agent or pleader to defend the case, failing which *ex parte* proceedings will be taken against them.

Given under my hand and seal of the Court on 23rd day of January, 1986.

CHAMEL SINGH,
Sub-Divisional Officer (Civil),
Exercising the Power of Collector,
Palampur, Kangra H.P.

बयदालत श्री संतोष सिंह चौधरी, सब-रजिस्ट्रार, बड़सर, जिला हमीरपुर, हि 0 प्र 0

बमुकदमा:—श्रीमती गंगो देवी दुखतर गिलजू, बासी टीका खरोहल, तप्पा डटवाल, तहसील बड़सर, जिला हमीरपुर सायला ।

बनाम

ग्राम जनता

दरखास्त बमुराद तसदीक किये जाने वसीयतनामा मुहंरा 14-8-1985 अर्जा श्री गिलजू पुत्र मसन्दू बासी टीका खरोहल, तप्पा डटवाल, वहक सायला मजकूर अर्जीन धारा 40/41 इण्डियन रजिस्ट्रेशन ऐक्ट ।

सर्वसाधारण को सूचित किया जाता है कि श्रीमती गंगो देवी दुखतर गिलजू (मृतवकी), निवासी टीका खरोहल, तप्पा डटवाल, तहसील बड़सर ने एक दरखास्त दिनांक 23-1-86 इस अदालत में बगरज तसदीक वसीयतनामा मुवर्खा 14-8-1985 अर्जा गिलजू (मृतवकी) गुजारी है जिस की वाबत आइन्दा तारीख समायत 18-3-1986 मकरंर है यदि किसी व्यक्ति को उपरोक्त वसीयतनामा के तसदीक किये जाने में कोई उजर हो तो वह अपना उजर तिथि 6-3-1986 को प्रातः 10 बजे इस अदालत में असालतन या वकालतन हाजर आकर पेश कर सकता है बमुरत दीगर कोई उजर काबले समायत न होगा ।

बतारीख 5-2-1986.

मोहर ।

संतोष सिंह चौधरी,
सब-रजिस्ट्रार, बड़सर,
जिला हमीरपुर ।

HIMACHAL PRADESH HOUSING BOARD

NOTIFICATION

Shimla-2, the 23rd July, 1985

No. HHB/Acctts.-266/85.—In exercise of the powers vested in it under the provision of section 45 (3) of the Himachal Pradesh Housing Board Act, 1972 the Himachal Pradesh Housing Board is pleased to publish the annual accounts of the Board for the year 1980-81, for information of the general public.

Sd/-
Secretary-cum-Chief Engineer.

AGGARWAL RAJIV AND ASSOCIATES CHARTERED ACCOUNTANTS

To, the Members,
Himachal Pradesh Housing Board,
SHIMLA.

Dear Sirs,

We have examined the attached Balance Sheet of Himachal Pradesh Housing Board, Shimla, as at 31st March, 1981 and the annexed Profit & Loss Account for the year ended on that date with the books of accounts maintained at Head Office and Divisional Offices as incorporated therein and subject to the observations in Annexure-I, we report that:—

- We have obtained all the information and explanations which to the best of our knowledge and belief were necessary for the audit.
- In our opinion proper books of accounts have been kept as far as appears from our examination of books and the above mentioned accounts are in agreement therewith.
- In our opinion and to the best of information and according to the explanations given to us, the accounts give:
 - In case of Balance Sheet, a true and fair view of the state of affairs of the Board as at 31st March, 1981.
 - In the case of Profit & Loss Account of the loss for the year ended on that date.

For Aggarwal Rajiv and Associates,
Chartered Accountants.

Chandigarh:
Dated the 15th June, 1985.

Sd/-
Partner.

ANNEXURE-I

AGGARWAL RAJIV AND ASSOCIATES CHARTERED ACCOUNTANTS

Auditors Report—Contd.

1. Fixed Assets:—Rs. 55,83,290.72.

- The fixed Assets Register has not been maintained and no details of Fixed Assets were made available to us for our verification. The physical verification of the Fixed Assets has also not been conducted by the Management at any stage.
- The basis of charging depreciation on the following assets have not been explained to us:—

Assets.	Rate of Dep.
Civil works at Paonta Sahib	4%
Plant & Machinery and Rail Lines and Tipping Wagons at Brick Kiln Factory, Paonta Sahib.	7.5%

- The cost of Nigam Vihar Building was transferred to Fixed Assets in the previous year but no agreement/document on the basis of which allocation has been made was produced to us for our verification. The title deeds of land have also not been produced to us.

2. Work-In- Progress—Rs. 5,30,93,437.23.

(a) Expenditure incurred on schemes and buildings:

A sum of Rs. 8,08,72,757.30 has been spent by the Board on various plots, buildings and Housing Schemes upto 31st March, 1981. The afore-said amount has been shown under "Work-in-Progress" without considering the fact, whether a particular scheme has been completed or not.

Township Housing colony has been treated as one unit and the same has not been bifurcated into various schemes. The actual cost of a particular scheme has not been ascertained and the deviations, if any, from budgeted costs have also not been worked out. Moreover, even in cases where the respective schemes have completed and possession of flats/plots has been given to the allottees, the cost incurred is being shown under the head "Work-in-Progress", whereas after the completion of construction/development of a scheme and allotment of flats/plots to the public, the actual cost of that particular scheme should have been ascertained and shown separately as "Recoverable from the allottees".

Furthermore, the cost of various buildings constructed and owned by the Board have not been transferred to Fixed Assets, but are being shown under the head "Work-in-Progress" only except for the Nigam Vihar Building, Shimla, the cost of which had been allocated during the previous year.

(b) Receipts from Allottees:

A sum of Rs. 2,77,79,320.07 representing initial deposits and instalments (Principal and interest) has been received from allottees on account of various commercial plots and buildings, multi-storied complex at Shimla and Housing Schemes. The said amount has been deducted from the total amount of Rs. 8,08,72,757.30 spent by the Board on these schemes upto 31st March, 1981. The initial deposits/instalments received from the allottees should have been deducted from the total amount recoverable from the allottees, in respect of that particular scheme, to show the net amount recoverable from the allottees, scheme-wise. The amount of interest received from the allottees after the completion of the respective schemes should have been treated as a "Revenue Receipts."

3. Stock-in-Hand: Rs. 21,49,276.13.

No physical verification of stocks has been conducted by the Management at any stage during the year. Since the physical inventories in respect of the material for works at sites at difference divisions and raw materials, finished goods and stores & spares at Paonta Sahib were not available, the value of the same has been taken as it stands in the financial ledger as on 31st March, 1981. In the absence of any details, basis of valuation of stocks at the close of the year and accuracy of the consumption of stocks and stores could not be verified.

The division-wise details provided for materials for works at sites is as under:—

Particulars	Amount	
	Rs.	
Parwanoo Division	4,43,657.39	Dr.
Shimla Division	12,58,884.98	Dr.
Dharamshala Division	49,704.12	Cr.
Solan Division	80,826.18	Cr.
Total ..	15,72,012.07	

Neither any details of the same have been furnished nor any explanations as to how the stocks accounts shows a credit balance at Dharamshala and Solan divisions have been provided.

Similarly, no quantitative details in respect of stocks of raw materials and stores & Spares worth Rs. 2,90,803.55 and Rs. 1,35,305.41 at Paonta Sahib has been provided. Neither, any stock reconciliation statement has been prepared in the absence of which the closing stocks as well as consumption are subject to our verification. In our opinion, physical verification of stocks must be conducted at least once at the end of the year and stock reconciliation reports reconciling the stock records and the financial records should be prepared. The stocks as at the end of the year should be worked out on the basis of physical inventories and adequate adjustments should be made for shortages/excesses, if any.

4. Balances with Schedule Banks: Rs. 82,44,761.08.

- (a) It has been observed that there is no system for periodical reconciliation of bank accounts. As a result of it, reconciliation statements provided to us includes huge entries outstanding in respect of earlier years, which could have been very well adjusted, had the reconciliations been done timely. A system for periodical reconciliation of bank accounts should be introduced, so that the required adjustments are done well in time and the balances appearing in the books of the Board reflect the correct position of the Bank accounts.
- (b) It has been observed that the Shimla Division had three accounts with United Commercial Bank, Central Bank of India & State Bank of Patiala, Shimla No individual Bank reconciliation statements was prepared.

5. Security Deposits:—Rs. 7,363.50.

No details in respect of the same were provided.

6. Pre-Paid Expenses:—Rs. 780.10.

No details in respect of the same were provided.

7. Miscellaneous Advances:—Rs. 53,26,480.30.

Imprest Account:—Rs. 1,12,815.72.

This amount represents the imprest with Executive Engineer, Shimla Division amounting to Rs. 1,09,215.72 and Dharamshala Division amounting to Rs. 3,600/-. The same should have been adjusted at the end of the year.

8. Cash Settlement Suspense Account:—Rs. 21,42,974.65.

No details in respect of the same have been furnished. This amount represents value of stocks transferred to different units, but in respect of which no correspondings credit has been given by the receiving unit. No adequate system is being adopted for recording stock transfers from one Division to

another division whereas the issuing unit debits the value of stocks transferred to Cash Settlement Suspense Account, the receiving unit credits the same to Material Purchase Account. Thus, in the Balance sheet the effect of stocks transfers is shown by Cash Settlement Suspense Account on Debit side and by Material Purchases Account on Credit side, whereas both these accounts should be adjusted against each other. A system for accounting stock transfers should be adopted so that the adjustments in respect of the same are made and these two superfluous accounts should be adjusted against each other.

9. Initial Deposits/Earnest Money From Allottees:—Rs. 51,56,262.28.

The details furnished in respect of initial deposits/earnest money received from the allottee has been prepared scheme-wise, but no allottee-wise detail has been furnished.

10. Material Purchase:—34,94,734.36.

Parwanoo Division	Rs. 12,07,291.87
Dharamshala Division	Rs. 1,65,373.09
Shimla Division	Rs. 21,20,004.77
Paonta Factory	Rs. 2,064.69

No details in respect of the above mentioned balances have been furnished. These amounts represents the amounts payable to Suppliers as at the close of the year and the value of stocks transferred from other divisions.

The material purchase account is credited with the original cost of stocks received from the suppliers and other divisions of the Board and is debited with the payments made to the Suppliers/Divisions. This account, as a result always leaves a credit balance.

In our opinion, the system of crediting Material Purchase Account with the value of stock received is not adequate. Instead, the party's personal account should be credited with the value of goods received and payments made to respective parties should be debited directly to parties account only. This shall give the net amount payable to the different parties, at any particulars point of time, which should be treated as Sundry Creditors.

In case of inter-unit transfers, the system as enumerated in para 7 of our report, should be followed.

11. Sundry Creditors:—Rs. 1,01,805.30.

It includes a sum of Rs. 4,111.57 in respect of Sundry Creditors of Dharamshala Division for which no details have been furnished.

12. Expenses Payable:—Rs. 1,95,681.29.

It includes expenses payable in respect of Paonta Factory which have not been adjusted since long. In our opinion such provisions as have not been adjusted from the last three years and have become time-barred should be written off

13. Earnest Money/Security Deposits:—Rs. 9,72,541.90.

No party-wise details in respect of the above said amount have been provided.

14. Contributory Provident Fund:—Rs. 4,87,721.10.

This amount represents the employees share and employer share of the Provident Fund contributed by the employees of the Board and the interest thereon. It also includes a sum of Rs. 11,317/- on account of bank interest on the amount deposited in the Bank.

Employee-wise details in respect of the individual

contributions of the employees have been provided, but it does not tally with the balance as per the General Ledger. The balance as per the General ledger is Rs. 4,87,721.10 whereas as per the list provided the balance is Rs. 4,85,282.33. Moreover, C.P.F. advance amounting to Rs. 4,500.25 has also been included in the list for which no explanations were given.

Furthermore, the C.P.F. contribution for the year 1980-81 has not been calculated separately, but total contribution upto the year 1980-81 have been calculated and after adjustments made in the previous years in respect of Board's contribution towards provident fund, a sum of Rs. 8,328.65 has been debited to expenditure pertaining to previous years. Similarly, instead of charging interest on the actual accumulations of the employees, a lump sum provision of Rs. 14,000 has been made.

It is suggested that year-wise details of the provident fund contributions by the employees and the Board along with the actual calculations of interest should be made so that the total of members accumulations should tally with the balance as shown in the General Ledger.

15. Capitalisation of Interest:

Interest on Himachal Pradesh Government Loan has been capitalised on various Housing Schemes of plots, flats and houses and other buildings proportionately on the basis of total expenditure incurred on the respective works/schemes during the year, whereas the same should have been capitalised on the basis of total expenditure incurred on the respective schemes/works upto the end of the year. However, interest on loans from HUDCO and Banks has been directly charged to various schemes/works for which the respective loans had been availed.

In our opinion, the interest on loans in respect of various Housing schemes, buildings and schemes of plots/sheds, which had completed either before the start of the year or during the year, should not be capitalised, but should be charged to revenue. Moreover, it has also been noticed that the provision for interest on loans to Himachal Pradesh Government has been made on reducing balance method whereas no re-payment of the loan has been made. The interest should be calculated on the actual balance outstanding as on 31st March, 1981.

16. Accounting System :

It has been observed that no proper accounting system is being adopted by the Board both at Head office and Divisions. As a result, there are numerous adjustments lying pending since long which should have been adjusted, but could not be done for want of proper information and co-ordination.

At present, the Monthly Trial Balance are sent by the Divisions to Head Office which are again Journalised at Head office, thus duplicating the work without any material use. The maintenance of accounts should be decentralised and individual Balance Sheet and Profit & Loss Account of each Division should be prepared, which should be consolidated at the year end at Head Office. For this, an Accounting Manual should be prepared and the system should be standardised so that the accounts at each Division are maintained on a similar pattern. Similarly, the proforma for Balance Sheet, profit & Loss Account and other periodical reports should be standardised so that there is no problem at the time of consolidation.

17. Administrative Charges:

It has been observed that the administrative charges have been allocated to works at different percentages by different divisions. However, at the year end, necessary adjustments have been made to make it 10 % of the direct cost of a particular work in all the cases. The said adjustments are yet to be carried out at Divisional Levels.

In our opinion, the percentage at which the administrative charges are to be allocated to the works should be pre-determined and intimated to all the divisions, so that the same are charged on identical basis in all the divisions.

18. Internal Audit:

Internal audit system as in adequate, No internal audit was carried out during the year. However, internal audit of the accounts of Solan Division for the year 1980-81 was conducted in the year 1982 which was virtually of no use. Moreover, the discrepancies found during the course of audit are yet to be settled.

In our opinion, the Internal audit system needs to be strengthened and it should be conducted during the year on continuous basis with proper follow-up also.

19. House Building Advance:—Rs. 1,00,000/-.

A sum of Rs. 1,00,000 had been advanced to Shri R.K. Makkar, Executive Engineer, during the year 1980-81 on account of House Building advance. No final sanction of the consolidated amount of Rs. 1.00 lac was obtained. Neither any completion report in respect of the building nor any utilisation certificate of the amount advanced was obtained on 31st March, 1981.

Moreover, the mortgage of the house has also not been obtained in favour of the Board as required under the terms of sanction.

20. Investment in HUDCO debentures.

A sum of Rs. 1.00 lac had been invested in HUDCO debentures during the year on 17-5-80. A sum of Rs. 1,863.11 only had been received on account of interest on the same whereas the same should be Rs. 5,125.00 @10-1/4%. No explanations for the said difference were given.

21. Miscellaneous Receipts:—Rs 2,73,930.14.

This amount includes a sum of Rs. 42,327.32 for which no details were provided.

22. Miscellaneous Expenses:—Rs. 17,586.41.

No details in respect of the same were provided.

23. Commitment Charges.

During the year under audit, it has been noticed that a sum of Rs. 1,23,581.00 was paid to HUDCO on account of commitment charges due to delay in furnishing the bank guarantee for which no explanations were given. The said amount has been allocated to works.

24. During the year under audit, a sum of Rs. 22,685.47 and Rs. 42,274.51 has been received from the Steel Authority of India and Associated Cement Company Limited, on account of refunds for which no explanations were provided.

For Aggarwal Rajiv and Associates,
Chartered Accountants.

Chandigarh:
Dated the 15th June, 1985.

Sd/-
Partner.

AGGARWAL RAJIV AND ASSOCIATES
CHARTERED ACCOUNTANTS:

HIMACHAL PRADESH HOUSING BOARD, SHIMLA
BALANCE SHEET AS AT 31ST MARCH, 1981

Previous Year Amount	Liabilities	Schedule	Current Year Amount		Previous year Amount		Assets	Schedule	Current year Amount	
			Rs.	P.	Rs.	P.			Rs.	P.
—	Capital Fund	—	—	—	57,59,152.67	—	Fixed Assets	'A'	55,83,290.72	—
32,89,700.00	Reserves and Surplus	'C'	32,89,700.00	—	—	—	Investments (In HUDCO. de- bentures).		1,00,000.00	—
89,96,906.00	Secured Loans	'D'	1,09,32,906.00	5,76,46,656.86	5,76,46,656.86	—	Current Assets, Loans and Advances.	'B'	7,44,24,896.39	—
3,31,61,353.00	Un-secured Loans from Govern- ment of Himachal Pradesh.		4,01,61,353.00	13,93,534.11	13,93,534.11	—	Profit & Loss Account as per last balance sheet 13,93,534.11.			
1,93,51,384.64	Current Liabilities and Pro- visions.	'E'	2,78,93,938.59				Add: Loss during the year		21,69,710.48	
	Notes on Accounts	'F'					7,76,176.37.			
6,47,99,343.64	Total	..	8,22,77,897.59	6,47,99,343.64	6,47,99,343.64		Total	..	8,22,77,897.59	

Sd/-
Chief Accounts Officer.

Sd/-
Secretary-cum-Chief Engineer.

Sd/-
Chairman.

Auditor's Report

In terms of our report of even dated
annexed hereto.

Chandigarh:
Dated the 15th June, 1985.

For AGGARWAL RAJIV AND ASSOCIATES,
Chartered Accountants.

HIMACHAL PRADESH HOUSING BOARD, SHIMLA

PROFIT & LOSS ACCOUNTS FOR THE YEAR ENDED 31ST MARCH, 1981

Previous year Amount Rs. P. 1	Particulars 2	Current year Amount Rs. P. 3	Previous year Amount Rs. P. 4	Particulars 5	Current year Amount Rs. P. 6
4,872.00	To opening stocks			By Sales :	
	Finished Goods	1,83,293.25	4,94,212.96	Finished Goods	7,63,967.92
30,958.00	Semi-finished Goods	40,652.14	7,579.00	Forms	14,682.88
			2,496.00	Layout Maps	1,758.00
		2,23,945.39	4,024.00	Lease Deed Forms	2,896.00
			7,61,186.38	Agency Commission on deposit works.	7,83,304.80
					5,76,747.40
	To Manufacturing Expenses:				
	Raw materials consumed		15,553.12	Royalty	6,819.580
54,382.85	—Clay	45,655.74	18,832.35	Lease Rent	23,539.30
12,938.65	—Others	30,994.18	8,120.00	Maps Approval Fees	6,960.00
1,11,086.70	Wages	1,68,447.64	3,99,386.07	Water Charges	5,29,015.63
2,39,856.31	Power & Fuel	3,12,378.96	—	Water Connection fees	200.00
18,061.15	Labour charges	—	34,366.50	Penal interest on delayed Payments	26,398.40
56,866.88	Excise Duty	88,606.51			
5,186.97	Royalty	7,499.39	4,159.48	Income from Vehicles/Machinery	13,750.63
7,533.75	Lease Money	7,533.75	—	Rent	7,083.90
5,539.80	Factory Lighting	4,696.60	—	Interest	
—	Effluent Disposal Expenses	7,370.35	87,341.74	Bank Deposits	69,865.34
			—	HUDCO Investment	6,708.11
			—	Advances	491.95
					77,065.40
	Repairs & Maintenance :			Miscellaneous receipts	2,73,930.14
7,446.96	Tools & Plants	4,146.34	1,47,102.76	Difference in Books	3,649.59
80,350.34	Machinery & Civil Works	52,476.46	—	Closing Stocks :	
				Finished goods	95,667.50
	— Kiln Chamber	2,517.92	1,83,293.25	Semi-finished goods	30,760.30
	— Insurance	3,230.00	40,652.14		1,26,427.80
2,689.28	Misc. Expenses	1,470.27	—	Adjustment pending to previous year	6,551.06
		9,60,969.50			
	To Administrative Expenses :		4,14,513.39	Net loss transferred to Balance Sheet	7,76,176.37
20,72,668.45	Salaries	24,12,143.87			
66,650.60	Bonus	81,715.20			
1,03,805.83	Leave Salary & Pension Contr.	40,796.68			
10,385.45	Leave Travel Expenses	5,918.75			
9,912.45	Uniform & Liveries	8,668.00			
20,341.38	Medical Reimbursement	25,091.24			
77,103.35	Travelling Expenses	1,58,920.65			

1	2	3	4	5	6
56,752.81	Printing & Stationery	78,905.28			
19,968.31	Hot & Cold Weather Charges,	18,935.45			
	To Repair and Maintenance :—				
14,338.80	Buildings	30,578.56			
2,449.39	Others	7,654.76			
2,24,131.69	To vehicle running & maintenance	2,33,329.44			
88,204.19	To postage, Telegrams & Telephones	1,09,849.41			
14,542.75	To Electricity & Water charges	19,921.25			
12,533.50	To Legal Expenses	13,625.25			
600.00	To Advertisement	4,272.60			
661.02	To Entertainment	15,568.28			
6,000.00	To Auditor's remuneration	6,000.00			
120.00	To Rent Office building	—			
1,395.50	To Newspapers & Periodicals	1,377.15			
9,811.56	To Miscellaneous expenses	17,586.41			
—	To Subscription A/c.	352.60			
28,12,376.73		32,92,212.83			
13,28,564.22	Less : Allocated to works	15,35,003.07			
14,83,822.51			17,57,209.76		
19,418.00	To Interest charges		—		
4,37,692.90	To Depreciation		4,36,657.09		
	To Provisions for Contributory Provident Fund :				
30,000.00	Employers' Share	60,457.00			
11,000.00	Interest	14,000.00	74,457.00		
1,015.00	To Adjustments relating to earlier years		8,328.65		
2,111.09	To Difference in Books	—	—		
26,22,819.14	Total Rs.	32,37,622.00	26,22,819.14	Total Rs.	32,37,622.00

Sd/-
Chief Accounts Officer.

Chandigarh
Dated the 15th June, 1985.

Sd/-
Secretary-cum-Chief Engineer.

Sd/-
Chairman.

Auditors Report,
In terms of our report of even date
annexed hereto.

For Aggarwal Rajiv and Associates,
Chartered Accountants.

Sd/-
Partner.

(FORMING PART OF THE BALANCE SHEET AS AT 31ST MARCH, 1981)

Particulars	Gross Block			Depreciation Block			Net Block		
	Cost as on 1-4-80	Additions during the Year	Cost as on 31-3-81	Dep. as on 31-3-80	During the Year	Dep. up to 31-3-1981	W.D.V. as on 31-3-81	W.D.V. as on 31-3-1980	
Land	11,547.53	—	11,547.53	—	—	—	11,547.53	11,547.53	
Buildings (Nigam Vihar, Shimla)	4,87,591.56	6,841.85	4,94,433.41	12,189.79	12,056.09	24,245.88	4,70,187.53	4,73,401.77	2-1/2%
Civil Works, Paonta Sahib	23,10,057.53	2,615.75	23,12,673.28	1,80,210.51	85,298.51	2,65,509.02	20,47,164.26	21,29,847.02	4%
EWS Quarters	2,12,775.76	19,223.61	2,32,004.37	14,917.69	8,683.47	23,601.16	2,08,403.21	1,97,858.07	4%
Plant & M/cy.	25,69,953.04	3,319.98	25,73,273.02	2,70,496.67	1,65,208.23	5,35,704.90	20,37,568.12	21,99,456.37	7-1/2%
Rail Lines & Tipping Wagons	82,359.69	9,940.86	92,400.55	11,827.17	6,043.00	17,870.17	74,530.38	70,632.52	7-1/2%
Tools & Plant	74,932.38	8,638.51	83,570.89	38,171.20	6,890.95	44,981.15	38,589.74	36,761.18	15%
Furniture & Fixture	1,12,995.18	30,927.77	1,43,922.95	45,360.27	9,856.30	55,216.57	88,706.38	67,634.91	10%
Elect. Instt.	284.80	—	284.80	168.24	23.31	191.55	93.25	116.56	20%
Office Equip.	1,28,802.40	11,253.27	1,40,054.67	53,589.41	12,969.52	66,558.93	73,495.74	75,212.99	15%
Trucks	2,64,924.67	—	2,64,924.67	1,96,116.27	13,761.68	2,09,877.95	55,046.72	68,808.40	20%
Jeeps & Cars	2,34,057.48	1,30,797.93	3,64,835.41	1,10,609.96	50,845.1	11,61,455.07	2,03,380.34	1,23,427.52	20%
Road Rollers	3,27,528.00	27,506.00	3,55,034.00	1,19,367.13	47,133.37	1,66,500.50	1,88,533.50	2,08,160.83	20%
Scooters	20,654.67	—	20,645.67	13,627.52	1,405.44	15,032.96	5,621.71	7,027.15	20%
Bicycle	347.75	—	347.75	205.31	28.49	233.90	113.95	142.44	20%
Drawing, Survey & Scientific Ins.	40,065.09	—	40,065.09	23,671.49	2,459.04	26,130.53	13,934.56	16,393.60	15%
Laboratory & other equipments	93,066.71	—	93,066.71	25,826.00	10,086.11	35,912.11	57,154.60	67,240.71	15%
Books & Publications	4,483.10	1,033.50	5,516.60	1,203.38	431.33	1,634.71	3,881.89	3,279.72	10%
Crockery & Cutlery	1,025.69	8,692.11	9,717.80	822.35	3,558.14	4,380.49	5,337.31	203.34	40%
Total Rs.	69,77,533.03	2,60,795.14	72,38,328.17	12,18,380.36	4,36,657.09	16,55,037.45	55,83,290.72	57,59,152.67	
Previous year	60,49,351.00	9,28,181.92	69,77,533.03	7,80,687.46	4,37,692.90	12,18,380.36	57,59,152.67	52,68,663.65	

Sd/-
Chief Accounts Officer.

Sd/-
Secretary-cum-Chief Engineer

Sd/-
Chairman.

HIMACHAL PRADESH HOUSING BOARD, SHIMLA
CURRENT ASSETS, LOANS & ADVANCES

(FORMING PART OF THE BALANCE SHEET AS AT 31ST MARCH, 1981)

Previous Year Amount Rs. P.	Particulars	Current Year Amount Rs. P.	
		Rs.	P.
	A. Current Assets		
5,97,25,614.91	Work in-progress on various Housing Schemes & buildings	8,08,72,757.30	
(—)2,14,00,771.33	Less Amount received from allottees on a/c of instalments of principal and interest.	2,77,79,320.07	5,30,93,437.23
3,83,24,843.58	STOCK-IN-HAND (Taken, valued and certified by the Management)		
23,29,269.50	Material or works at site	15,72,012.07	
1,83,293.25	Finished goods (Bricks)—At realisable value	95,667.50	
40,652.14	Semi- Finished Goods—At realisable value	30,760.30	
2,85,501.41	Raw Materials—At cost	2,90,803.55	
1,63,374.91	Stores and spares—At cost	1,35,305.41	
4,500.00	Stationery-in-hand	24,727.30	21,49,276.13
	Cash and Bank Balances:		
62,268.23	Cash-in-hand	37,505.92	
141.36	Postage-in-hand	243.05	
	Balances with Scheduled Banks :		
73,83,004.24	In Current Accounts	74,36,680.86	
2,80,338.75	In Saving Accounts	7,83,080.22	
7,37,613.55	In Fixed Deposits	25,000.00	82,44,761.08
1,00,000.00	Remittance-in-transit		82,82,510.05
			2,00,000.00
	B. Loans and Advances		
2,26,842.56	Recoverable from co-owners of Multistorey buildings, Nigam Vihar		
5,983.50	Security Deposits	7,363.50	
1,29,155.07	Staff Advances	3,00,340.45	
27,04,521.43	Recoverable on account of Deposit works	27,40,968.26	
537.55	Pre-paid excise duty	956.96	
75.00	Pre-paid expenses	780.20	
16,044.55	Interest receivable	16,162.50	
36,77,871.99	Miscellaneous advances	53,26,480.30	
7,73,970.45	Cash settlement suspense Account	21,42,974.65	1,05,36,026.82
5,76,46,656.86	Total	7,44,24,896.39	
	Sd/- Chief Accounts Officer.	Sd/- Secretary-cum-Chief Engineer.	Sd/- Chairman.

AGGARWAL RAJIV & ASSOCIATES CHARTERED ACCOUNTANTS

SCHEDULE-C

HIMACHAL PRADESH HOUSING BOARD, SHIMLA RESERVES AND SURPLUS

(FORMING PART OF THE BALANCE SHEET AS AT 31ST MARCH, 1981)

Previous year Rs. P.	Particulars	Current year Rs. P.
SUBSIDIES :		
3,97,500.00	From Department of Industries for Paonta-Factory.	3,97,500.00
60,000.00	From Dedartment of Industries for EWS Houses at Paonta Sahib.	60,000.00
GRANT-IN-AID:		
26,32,200.00	From Department of Industries for development of Industrial Township Parwanoo and augmentation of Water Supply.	26,32,200.00
2,00,000.00	From National Building Organisation.	2,00,000.00
32,89,700.00	Total	32,89,700.00

Sd/-
Chief Accounts Officer.

Sd/-
Secretary-cum-Chief Engineer.

Sd/-
Chairman.

AGGARWAL RAJIV & ASSOCIATES CHARTERED ACCOUNTANTS :

SCHEDULE—D

HIMACHAL PRADESH HOUSING BOARD, SHIMLA SECURED LOANS

(FORMING PART OF THE BALANCE SHEET AS AT 31ST MARCH, 1981)

Previous Year Rs. P.	Particulars	Current year Rs. P.
16,00,000.00	Union Bank of India, Shimla (Against State Government Guarantee).	11,00,000.00
16,50,000.00	United Commercial Bank, Nigan Vihar, Shimla. (Against State Government Gaurantee).	14,50,000.00
57,46,906.00	Housing & Urban Development Corporation, New Delhi (Against Equitable Mortgage/State - Government Guarantee).	83,82,906.00
89,96,906.00	Total Rs.	1,09,32,906.00

Sd/-
Chief Accounts Officer.

Sd/-
Secretary-cum-Chief Engineer.

Sd/-
Chairman.

AGGARWAL RAJIV & ASSOCIATES CHARTERED ACCOUNTANTS

SCHEDULE—E

HIMACHAL PRADESH HOUSING BOARD, SHIMLA CURRENT LIABILITIES AND PROVISIONS

(FORMING PART OF THE BALANCE SHEET AS AT 31ST MARCH, 1981)

Previous year Rs. P.	Particulars	Current year Rs. P.
ADVANCE PAYMENT AGAINST DEPOSIT WORKS :		
70,00,000.00	From State Government (Seed Money).	70,00,000.00
—	Government Rental Housing Schemes.	24,79,000.00
1,00,281.04	Less Expenditure Incurred	94,79,000.00
—	Police Rental Housing Scheme.	67,65,314.23
—	Add: Received during the year	16,35,000.00
—	Less: Expenditure Incurred	64,382.54
19,18,033.21	From other Departments.	16,30,057.08
22,68,187.80	Initial deposits/ earnest money from allottees.	51,56,262.28
84,930.00	Securities—Water Connection.	1,07,280.00
8,88,240.50	Earnest Money & Security Deposits.	9,72,541.92
22,81,194.32	Material Purchase Account.	34,94,734.36
1,07,046.35	Sundry Creditors	1,01,805.30
826.31	Advance from Customers.	17,150.54
1,62,211.16	Expenses Payable	1,95,681.29
35,30,652.00	Interest Payable	64,38,755.45
9,16,788.53	Other Liabilities	9,56,017.58
2,93,555.44	Contributory Provident Fund	4,87,721.10
193,51,384.64	Total	2,78,93,938.59

Sd/-
Chief Accounts officer.

Sd/-
Secretary-cum-Chief Engineer.

Sd/-
Chairman.

AGGARWAL RAJIV & ASSOCIATES CHARTERED ACCOUNTANTS

SCHEDULE—F

NOTES ON ACCOUNTS

(FORMING PART OF THE BALANCE SHEET AS AT 31ST MARCH, 1981)

- During the year, the indirect administrative expenditure has been allocated to works/schemes on the basis of 10% of the direct expenditure incurred on the respective works/schemes during the year. Similarly, agency commission has been charged on all deposit works at the rate of 10% of the expenditure incurred during the year.
- Previous year figures have been re-grouped/re-classified wherever necessary to make them comparable with the current figure.
- Depreciation on civil works Paonta Sahib and Plant & Machinery, rail lines, tipping wagons at Paonta Factory has been charged at the rate of 4% and 7.5% respectively.

4. Balances of Sundry Debtors, Sundry Creditors and loans and advances are subject to confirmation.
5. Work-in-Progress amounting to Rs. 8,08,72,757.30 represents the total expenditure incurred on various schemes/ works upto the close of the year. A sum of Rs. 2,77,79,320.07 has been deducted from it on account of amount received from allottees. This amount includes the interest element also.
6. The total amount of interest paid on loans during the year amounting to Rs. 29,26,955.00 has been capitalised and charged to schemes/ works on the basis of expenditure incurred on individual schemes/work during the year.
7. No quantitative details for materials for works at site, stock of raw materials, sales could be prepared and the value of the same has been taken as per the financial ledger.
8. There is a difference in Trial Balance of Rs. 3649.59 which has been adjusted in the Profit & Loss Account.
9. Cash Settlement Suspense Account of Rs. 21,42,974.65 represents the difference in inter-unit, transactions on account of stock transfers which is still to be adjusted.
10. A sum of Rs. 24,79,000.00 and Rs. 16,35,000.00 has been received during the year from State Government as Seed Money for Government Employees Rental Housing Scheme and Police Rental Housing Scheme respectively. The total amount of Rs. 94,79,000.00 for Government Employees Rental Housing Scheme and Rs. 16,35,000.00 as such upto 31st March, 1981 has been treated as advance payment against deposit works.
11. A sum of Rs. 1,12,815.72 represents imprests with Executive Engineer, Shimla & Dharamshala Divisions, which are pending adjustment.
12. A sum of Rs. 34, 94,734.36 in Material Purchase Account represents the amounts payable to suppliers at the close of the year and value of inter-unit stock transfers credited by the receiving units.
13. Provision for Contributory Provident Fund for Rs. 60,457.00 towards employees contribution and Rs. 14,000/- towards interest has been made.
14. In the opinion of the Management, the value on realisation of Current Assets, Loans & Advances, if realised in the ordinary course of business will not be less than stated in the Balance Sheet and all known liabilities have been provided.
15. During the year, a sum of Rs. 22,685.47 has been received from Steel Authority of India Ltd. on account of refund of steel, which is pending adjustment.
16. During the year a sum of Rs. 42,274.51 has been received from Associated Cement Co. Ltd., on account of refund of cement, which is pending adjustment.

Sd/-  Sd/-
Chief Accounts Officer. Secretary-cum-Chief Engineer.

Sd/-
Chairman.

भाग 6—भारतीय रक्षक इत्यादि से पुनः प्रकाश

शून्य

भाग 7—भारतीय निर्वाचन आयोग (Election Commission of India) की वैधानिक अधिकृतताएं तथा अन्य निर्वाचन सम्बन्धी अधिकृतताएं

शून्य

अनुपूरक

शून्य

PART I

LABOUR DEPARTMENT

NOTIFICATION

Shimla-2, the 15th January, 1986

No. 2-21/85-Shram.—In exercise of the powers vested in him under section 17(1) of the Industrial Disputes Act, 1947, the Governor, Himachal Pradesh is pleased to publish the awards of the Presiding Officer, Labour Court/Industrial Tribunal, Himachal Pradesh in the cases detailed below:—

- (1) Case No. 45/83, C.C.I. Employees Union vs. Management of Rajban Cement Factory.
- (2) Case No. 106/83, Anil Kumar vs. Gabriel India Ltd., Parwanoo.
- (3) Case No. 107/83, Nahan Hosiery Employees Union vs. Managing Director, H. P. State Small Scale Industries and Export Corporation, Shimla.
- (4) Case No. 6/84, Tej Straw Board Karamchari Union vs. Tej Straw Board Pvt. Ltd., Kala Amb.
- (5) Case No. 7/84, Tej Straw Board Karamchari Union vs. Tej Straw Board Pvt. Ltd., Kala Amb.
- (6) Case No. 1/80, Subhi Chand vs. New Chini Transport Co. Pvt. Ltd., Dharamshala.
- (7) Case No. 34/83, V. K. Singh vs. Gabriel India, Pvt. Ltd., Parwanoo.
- (8) Case No. 42/82, Romesh Singh vs. Central Bank of India, Santokhgarh.
- (9) Case No. 255/84, Yadav Singh and Param Dev vs. S.E. 1st Circle, H.P. P.W.D., Mandi.
- (10) Case No. 94/84, Om Parkash vs. Khanna Watches Ltd., Parwanoo.
- (11) Case No. 38/83, Smt. Sharda Devi vs. S.D.O. Electrical, Daulat Pur Chowk, Una.
- (12) Case No. 68/82, Varinder Kumar Mahajan and others vs. S.E. Irrigation and Public Health, H.P. P.W.D., Dharamshala.
- (13) Case No. 9/84, Madan Lal Sharma vs. The New India Assurance Co. Ltd., Mandi.
- (14) Case No. 149/84, Romesh Kumar and Others vs. Teknika Watches, Chambaghat, Solan.
- (15) Case No. 110/84, Genl. Secy., Hotel Mazdoor Union, Shimla vs. President, Himachal Hotels and Restaurants Association, Himland Hotel, Shimla-1.
- (16) Case No. 26/80, Bhim Sen and Rohit Kumar vs. Punjab State Electricity Board, Joginder Nagar.
- (17) Case No. 93/84, Kailash Chand and Joginder Singh vs. Kangra Milk Supply Scheme, Dharamshala.
- (18) Parkash Chand and Lekh Ram vs. M/s Timplex Engineering Works, Parwanoo (Case No. 150/84).
- (19) Case No. 88/84, Amar Nath Sharma vs. Baira-Siul Project, Surgani, District Chamba.
- (20) Case No. 144/83, Balbir Singh vs. Bela Industries Corporation, Parwanoo.

- (21) Case No. 279/85, Genl. Secy. H. P. State Civil Supplies Corporation Employees Union (Regd.), Mandi vs. The M.D., H.P. State Civil Supplies Corporation Ltd., Shimla-6.
- (22) Case No. 13/84, Ritu Raj Garj vs. H.P. Civil Supplies Corporation Ltd., Solan.
- (23) Case No. 59/84, Mohinder Singh vs. Principal Ayurvedic College, Paprola, District Kangra.
- (24) Case No. 91/84, Sher Singh vs. Himachal Plywood Factory, Shamshi, District Kullu.

By order,
O. P. YADAV,
Commissioner-cum-Secretary.

Before the Presiding Officer, Industrial Tribunal (Central)
Shimla-171002

Case No. 45/83

Cement Corporation of India Employees Union

Versus

Cement Corporation of India, Rajban Cement Factory, Nahan.

Present: Shri Atma Ram Sharma, AR of the Petitioner.

Shri D. S. Saini, AR of the Respondent.

AWARD

The following dispute has been referred to this Tribunal vide Notification No. 8-14/80-Shram, dated the 15th June, 1983:—

“Whether the demand of the employees of the Cement Corporation of India in its Cement Factory at Rajban for payment of Hill Compensatory Allowance is justified. If so, to what relief/amount are they entitled?”

2. Both the parties have led evidence. The arguments were to be heard to-day.

3. The respondent has put in an application pointing out that the dispute which is the subject matter of these proceedings, has been referred to the National Tribunal. The photostat copy of the Notification, dated 16th October, 1984, has been filed along with the application.

4. The petitioners have also filed an application stating that reference of the dispute to this Tribunal was made by the H. P. Government on the basis of the agreement between the workmen and the management of Cement Corporation of India, Cement Factory Rajban and as such the reference to the National Tribunal does not bar these proceedings and this Court will be within its right to determine the dispute referred to this Tribunal by the H. P. Government.

5. I have heard the authorised representatives of both the parties. According to section 18(6) (a), if the matter under adjudication before the National Tribunal is pending in a proceeding before a Labour Court or the Tribunal, the proceeding before a Labour Court or the Tribunal, as the case may be, in so far as it related to such matter, shall be deemed to have been quashed on such reference to the National Tribunal.

6. In view of these provisions, the reference of the dispute with respect to Hill Compensatory Allowance does not survive for the consideration of this Tribunal. This dispute has been referred to the National Tribunal by the Government of India as is clear from the perusal of the Notification, dated the 16th October, 1984, mentioned above.

7. The authorised representative of the petitioner submits that they intend to challenge the reference made to the National Tribunal in the appropriate form and that till the final adjudication of their challenge, this case may be adjourned *sine die*. I see no reasons to

accept this contention. In case the reference to the National Tribunal is superseded or quashed in appropriate proceedings, the reference made by the H. P. Government to this Tribunal will be revived. The petitioner may move an application to this effect in case such an eventuality arises.

8. To conclude as the dispute referred to this Tribunal has also been referred to the National Tribunal. This is clear from the notification, dated the 16th October, 1984 issued by the Central Government. The proceedings being taken by this Tribunal stand automatically superseded. In view of this situation, the reference made to this Tribunal by the Notification, dated the 15th June, 1983 need not be answered. I, therefore, proceed to make and announce this award. The copy of the award may be sent to the H. P. Government for further necessary action. The copy of this award may be given to the parties free of cost.

9. Announced on the 16th day of December, 1984.

Attested
Sd/-
Presiding Officer,
Industrial Tribunal,
Shimla.

Sd/-
Presiding Officer,
Industrial Tribunal, H.P.
Shimla.

Before the Presiding Officer, Labour Court, Shimla-171002

Case No. 106/83

Anil Kumar

Versus

M/s Gabriel India Ltd., Parwanoo.

None for the applicant.

Shri V. K. Gupta, AR of the respondent and V. C. Stiphen for the respondent.

AWARD

A reference vide Notification No. 8-15/80-Shram-II, dated 4-10-1983 has been received. Notices to the parties were sent. The Respondent management has been served. Claimant Shri Anil Kumar appears to have been served but he has not appeared in Court. He has sent the application through Registered post. According to him he has received all the claims and he is no more interested in prosecuting this case before this court.

In view of the intimation dated 22-8-1984 received from Shri Anil Kumar, the dispute, does not survive. I answer this reference accordingly and make the award stating that nothing is due from the respondent management to the claimant. With liberty to apply to the claimant.

No orders as to costs.

ANNOUNCED:

15-1-1985

Attested.
Sd/-
Presiding Officer,
Labour Court,
Himachal Pradesh,
Shimla.

Sd/-
Presiding Officer,
Labour Court, Shimla,
Camp Nalagarh.
15-1-1985.

Before the Presiding Officer, Industrial Tribunal, Himachal Pradesh, Shimla-171002

Case No. 107/83

Nahan Hosiery Employees Union

Versus

Managing Director, H. P. State Small Industrial and Export Corporation, Shimla.

Shri Madho Ram, AR of the petitioners.

Shri P. C. Gupta, AR of the respondent.

AWARD

The following dispute has been referred to this Tribunal vide Notification No. 11-1/83-LEP dated 29-9-1983:—

"Whether the following demands of the Nahan Hosiery Employees Union, Nahan are in accordance with the rules and law. If not, to what relief and compensation Nahan Hosiery Employees Union, Nahan are entitled to ?

1. Increase in the daily wages of the workman. Quashing of the customs of the piece rated workers.
2. Paid rest day in a week and to fix the day of rest.
3. Re-imbursement of Medical Claims".

A notice was issued to the workmen and their employment management, H. P. State Small Scale Industries and Export Corporation, Shimla-171001.

The workmen had filed their claim petition. They have only pressed for the claim for getting a paid rest day in a week. They have not pressed for any other claim. The other claims referred to this Tribunal therefore are rejected.

The workmen are doing the work on piece rate basis. According to them they are being allowed, National Holidays, Sick Leave and Casual Leave. They are not allowed any rest day in a week to which they are entitled to like other workmen.

This claim has been resisted by the respondent management. It has been stated that the workman had not stated as to under what law they have filed the claim petition and how they can be allowed paid rest day on Sunday and any other day in a week.

From the averments of the parties the following issues have been framed by me on 22-2-1984:—

1. Whether the petitioners are entitled to claim Sunday a holiday with wages. **OPP**
2. Relief.

Shri Madho Ram the President of the workmen of Nahan Hosiery Employees Union has appeared as PW-1. He has stated that the workmen are entitled to paid rest and have been agitating for it since long and also addressed various letters to the concerned authorities and those authorities have also written in a reply, but their claims have not been accepted. He has tendered evidence documents Ex. P-1 to Ex. P-4. According to him all these workmen are piece rated workers. They are allowed sick leave, casual leave, earned leave, festival and National Holidays with wages.

I have perused the documents Ex. P-1 to Ex. P-4. There are various letters which only show that workmen are pressing for their claims for getting weekly rest with wages. Ex. P-23 is the copy of the notification dated 6-2-1983. The petitioners are the workmen of the Textile & Hosiery Manufacture Industry. This industry has been included in the schedule appended to the Minimum Wages Act, 1948. As a necessary consequence of this notification which had been issued after the reference made to this Tribunal, the workmen are now entitled to paid weekly rest in accordance with the provision of section 13 of the Minimum Wages Act. The authorised representative of the respondent had pointed out that it is for the Government of Himachal Pradesh to fix the wages under the Act and also to provide a day of rest in a period of 7 days. According to him no Minimum Wages has been fixed so far for the Hosiery Workers and as such no rest day can be allowed. This provision enables the State Government to fix the Minimum Wages and also to provide for a rest day during a week. This Tribunal is dealing with the question referred to it by the notification as indicated above. There is no prohibition in the way of this Tribunal, to allow a workman a paid rest day if it comes to the conclusion that they are entitled

to it. I have examined this case from all the aspects. The workmen, in this case are allowed casual leave, Festival and National Holidays with wages. I find no reason as to why they should be deprived a paid rest day during a week. Even the Government had recognised their claim by including the same in the schedule to the Minimum Wages Act. Only a formality of fixing the minimum rates of wages is to be gone into. If this formality is gone into, a provision for a paid rest day in a week will also be made. This clearly shows that these workmen are entitled to a paid rest day in a week.

In view of these considerations, I declare that the petitioners who are workmen of Nahan Hosiery are entitled to one day rest in every period of 7 days with wages. I further declare that the Sunday should be the rest day. However the authority concerned will look into the interest of the work and the convenience of the workmen and make a provision for any other day in a week as a rest day with wages. I decide this issue accordingly in favour of the petitioners and against the respondent.

RELIEF :

The question made to this Tribunal stands answered as indicated above. The copy of this award may be sent to Government for further necessary action. The parties are left to bear their own costs. This award is made this 22nd day of January, 1985 Camp at Una.

ANNOUNCED:

22-1-1985.

Attested.

Sd/-
Presiding Officer,
Labour Court,
Himachal Pradesh,
Shimla.

Sd/-
Presiding Officer,
Industrial Tribunal, Shimla,
Camp at Una.
22-1-1985.

Before the Presiding Officer, Labour Court, Himachal Pradesh, Shimla-171002

Case No. 6/84

Tej Straw Board Karamchhari Union

Versus

M/s Tej Straw Board Pvt. Ltd., Kala-Amb.

Shri H. L. Sethi, AR of the applicant along with Shri Ranjit Singh, General Secretary for the workers.

Shri V. K. Gupta, AR of the respondent management with Col. T.S. Bakshi, Managing Director of the Respondent management.

AWARD

The parties have arrived at settlement out of Court. Written settlement has been filed. The parties do not want to prosecute this case. The dispute referred to this Tribunal does not survive in view of the settlement. This settlement be read as schedule to this award. The proceedings are dropped with liberty to apply.

The parties are left to bear their own costs of their proceedings.

Attested.

Sd/-
Presiding Officer,
Labour Court, Shimla,
Industrial Tribunal,
Himachal Pradesh,
Shimla,

Sd/-
Presiding Officer,
Labour Court, Shimla,
Camp at Nalagarh.
15-1-1985.

Before the Presiding Officer, Labour Court, Himachal Pradesh, Shimla-171002

Case No. 7/84

Tej Straw Board Karamchhari Union

Versus

M/s Tej Straw Board Pvt. Ltd., Kala-Amb.

Shri H. L. Sethi, AR of the applicant along with Shri Ranjit Singh, General Secretary for the workers

Shri V. K. Gupta, AR of the respondent management with Col. T. S. Bakshi, Managing Director of the Respondent.

AWARD

The parties have arrived at a settlement out of Court. The settlement has been filed. The parties are no more interested in prosecuting this case. All the 42 workers have been taken back in service by the respondent management. The respondent had already agreed to pay a sum of Rs. 150/- to each of the workers for the strike period as *ex-gratia* payment.

The management has also agreed to pay Rs. 10/- per diem to the workers with effect from 1-1-1985.

In view of the agreement and settlement arrived at by the parties, the dispute referred to this court does not survive.

Let the award be made accordingly. No orders as to costs. The agreement be read as schedule to this award.

ANNOUNCED:
15-1-1985

Attested.
Sd/-
Presiding Officer,
Labour Court,
Himachal Pradesh,
Shimla.

Sd/-
Presiding Officer,
Labour Court, Shimla
Camp at Nalagarh.
15-1-1985.

Before the Presiding Officer, Labour Court, Himachal Pradesh, Shimla-171002

Case No. 1/80

Subhi Chand

Versus

New Chiniot Transport Company Pvt. Ltd.

Shri P. S. Dogra, AR of the petitioner.

None for the respondent.

AWARD

The following question was referred to this Court vide Notification No. LEP (Shram) 3(a)-14/77, dated 15-11-1977 issued by the Government of Himachal Pradesh:—

“Whether the termination of services of Shri Subhi Chand Conductor by the Manager New Chiniot Transport Company Pvt. Ltd., H. O. Dharamshala is justified and in order? If not, to what relief and exact amount of compensation Shri Subhi Chand is entitled to?”

My learned predecessor gave opportunities to both the parties for filing their claim petition and both of them availed of this opportunity. The issues were framed on 9-6-79. The arguments of the parties were heard on 10-10-1979 and on that very day my learned predecessor made the award holding that the reference made to the Labour Court was without jurisdiction.

Shri Subhi Chand, the claimant had not challenged this award. He has put in an application on 18-1-1980 stating that the award made by learned predecessor was wrong and was against the principles laid down by the Highest Tribunal of the land and reported As AIR-1968-Supreme Court 5, Sindhu Re-settlement Corporation vs. Industrial Tribunal.

I have heard authorised representative of the petitioner (Shri Prem Singh Dogra).

There is no provision in the Industrial Disputes Act for reviewing the award once made. The provision of review is to be found in the Industrial Disputes Act itself. There is no power of review on any ground whatsoever. The award dated 10-10-1979 made by my learned predecessor (Mr. H. D. Kainthla) cannot be modified, altered, set aside or rescinded by me. This petition for review therefore is not maintainable. I have no other course open that to reject this petition and I do so accordingly. The parties are left at their own costs of these proceedings.

Attested.
Sd/-
Presiding Officer,
Labour Court,
Himachal Pradesh,
Shimla.

Sd/-
Presiding Officer,
Labour Court, Shimla.

Before the Presiding Officer, Labour Court, Himachal Pradesh, Shimla-171002

Case No. 34/83

V. K. Singh

Versus

M/s Gabriel India Ltd., Parwanoo.

Shri P.L. Beri, AR of the petitioner.
Shri V.K. Gupta, AR of the respondent.

AWARD

The following question have been referred to this court vide Notification No. 8-15/80-Shram-II, dated 8-2-1983.

“Whether the termination of the services of Shri V.K. Singh by the respondent management M/s Gabriel India Ltd., Parwanoo, is justifiable and is in accordance with the rules and law. If not to what relief and money Shri V.K. Singh is entitled.”

2. Notices to the parties were sent, Shri V.K. Singh petitioner has filed his claim petition and challenged his termination as being not in accordance with law. He has stated that he had advanced a sum of Rs. 100/- to Shri Pritam Singh a Chowkidar of the respondent and when he demanded back the amount, he refused to pay the money, and threatened him to involve him in a false case. He further stated that he has wrongly been involved, and that he had not stolen copper ingots pieces from the factory. He has also stated that no enquiry was held nor any opportunity was given to the petitioner to defend himself.

3. The respondent management has filed a reply and has controverted all the pleas raised by the petitioner.

4. From the averments of the parties the following issues have been framed by me on 9-10-1983:—

1. Whether the claim petitioner is not maintainable because of filing of Civil Suit ? OPR
2. Whether the petitioner has not been granted full and effective opportunity to defend himself during the domestic proceedings initiated by the management against him ? OPP
3. Whether the petitioner demanded copy of the proceedings recorded by the management during the domestic enquiry and the same was not supplied. If so its effect ? OPP
4. Whether the Respondent Management had paid the subsistence allowance during the suspension period of the petitioner. If so what amount and if not to what effect ? OPR
5. Whether the dismissal of the petitioner is illegal, void as alleged ? OPR
6. Relief.

FINDINGS:

Issue No. 1 :

The petitioner while appearing as PW-1 has stated that he did file a civil suit challenging the termination of his services, but he has withdrawn the same. There are no reasons to disbelieve this statement of the petitioner. The respondent has also not lead any evidence to the contrary that a civil suit is pending relating to the question is controversy between the parties. I therefore hold that the reference is valid and the claim can be entertained by this Court. I decide this issue accordingly in favour of the petitioner and against the respondent.

Issue No. 2 :

It has been admitted before me by the parties that Shri V.K. Singh petitioner was accused of committing theft of copper ingots pieces from the factory premises of the respondent management on the night of 8-3-82 and report had been lodged with the police. The investigations were completed and the petitioner was challaned and prosecuted under section 380 IPC. He has convicted *vide* judgement Ex. R-7 dated 13-9-1983 by the learned Chief Judicial Magistrate Solan. The petitioner filed an appeal against this conviction and the sentence. His appeal was dismissed. The petitioner did not challenge the judgement of the Chief Judicial Magistrate, Solan in the Hon'ble High Court. The petitioner has not been sentenced to any substantive punishment. He was only warned under section 360 Cr. P. C.

This is not enough. The respondent management gave the petitioner another opportunity of defending himself. He was chargesheeted for committing misconduct of stealing copper ingots pieces from inside the factory. He submitted his explanation to the charge. The respondent management appointed Shri V.C. Stephen as the Enquiry Officer. Shri Stephen held the enquiry and submitted the enquiry report Ex. R-9 dated 21-4-1982. He has discussed in detail the evidence appearing against the petitioner and had returned a verdict of guilty. On the basis of this report Shri H.P. Soni, the Vice-President of the company recorded an order imposing punishment of dismissal of the petitioner *vide* order dated 21-4-1982 which is Ex.R-11. The whole of the enquiry has been placed on the file of the case. In this domestic enquiry, I find that the petitioner had been given effective opportunity to defend himself. The verdict of guilty *vide* Ex. R-9 is based on evidence recorded during the enquiry proceedings. It is not based on the judgment of the Criminal Court. The petitioner had not been able to point out as to how he has been prejudiced or how effective opportunity has not been afforded to him to defend himself. The petitioner asserts that case was false and that he has been implicated by one Shri Pritam Singh, Chowkidar who had refused to return him Rs. 100/- which he obtained as a loan. On the insistence of the petitioner, for the repayment, he succeeded in foisting a false case of theft. I am not satisfied with this defence of the petitioner. I have mentioned it only to reject this defence.

The authorised representative of the petitioner has not brought to my notice any other evidence favouring the petitioner. from the aforesaid discussion and evidence on record, the accusation against the petitioner have been established. It is also clear that the petitioner was given an opportunity to defend himself during the enquiry. I decide this issue accordingly in favour of respondent and against the petitioner.

Issue No. 3 :

I have perused the record of the domestic enquiry filed in this court. I find nothing wrong in this enquiry. All the statements of the witnesses have been recorded in the presence of petitioner. The petitioner had been

allowed full opportunity to cross-examine the witnesses. He had signed all these proceedings and his signatures are appearing on all the pages of the enquiry report. He has tried to explain that the Enquiry Officer obtained his signatures on blank papers and thereafter he had typed every thing on those signed papers. This explanation of the petitioner cannot be accepted. The mere fact that the copies of the statements recorded had not been supplied to the petitioner does not prejudice the defence of the petitioner.

He could very well inspect the enquiry file and note down or take a copy of the statements and the other material which he so wanted. I am of the view that fair and full opportunity was allowed to the petitioner. I decide this issue accordingly in favour of the respondent and against the petitioner.

Issue No. 4 :

The issue was not processed before me. There is nothing on record to show that the petitioner had not been paid the suspension allowance during the suspension period. This issue was not taken up during the arguments by the parties. I decide this issue accordingly in favour of respondent and against the petitioner.

Issue No. 5 :

The petitioner has been found guilty *vide* Ex. R-9 by the enquiry officer and also by the Magistrate 1st Class, Solan *vide* judgement Ex. R-7. The theft committed by the petitioner is of the raw material used in the factory where he is working. In these circumstances he is not a fit person, in my view, to be kept in service. The punishment awarded to him is not disproportionate to the guilt proved. There is no scope for interference in the punishment imposed. I decide this issue accordingly in favour of the respondent and against the petitioner.

Relief :

In the result, I award that the dismissal of the petitioner recorded by the respondent management is justifiable. Let this copy of award be published in Rajpatra. The copy of award be supplied to the parties free of costs.

Announced.
16-1-1985.

Sd/-
Presiding Officer,
Labour Court, Shimla,
Camp at Nalagarh. 16-1-85.

Before the Presiding Officer, Labour Court, Himachal Pradesh, Shimla 171002, Camp at Nalagarh

Case No. 42/82

Romesh Singh

Versus

Central Bank of India Santokhgarh.

Present: Shri R.D. Chaudhary, AR of the Petitioner.
None for the Respondent.

AWARD

This reference has been made by the State of Himachal Pradesh to this Court, *vide* Notification No.8-16/80-Shram-II, 20-3-1984. The Central Bank of India is admittedly a banking company and the appropriate Government to make the reference is the Central Government. The reference to this court has been made without lawful authority by the State Government. I have therefore no jurisdiction to entertain this reference.

I answer this reference accordingly. The workman may seek appropriate remedy from the appropriate authority.

No orders for the cost of the receipt.

Sd/-,
Presiding Officer,
Labour Court,
Himachal Pradesh, Shimla,
Camp at Nalagarh. 16-1-1985.

Before the Presiding Officer, Labour Court, Himachal Pradesh, Shimla-171002

Case No. 255/84

Yadav Singh and Param Dev.

Versus

Superintending Engineer, 1st Circle, HP PWD, Mandi, Himachal Pradesh.

Shri P.L. Beri, AR of the petitioners.
Shri Bhag Chand, AR of the respondent.

AWARD

The following dispute has been referred to this court vide notification No. 8-27/78-Labour, dated 27-11-1984 by the Government of Himachal Pradesh:—

“Whether the termination of the services of Yadav Singh and Param Dev by the respondent management justifiable is in accordance with the rules. If not to what relief they are entitled to?”

Notices were issued to the claimants and the Superintending Engineer, HP PWD, Mandi. Both the petitioners have appeared along with their representative. They have made statements that the dispute referred is not the dispute raised by them. Their services have not been terminated. They have not been regularised. Their claim for regularisation has not been considered. The person not entitled to regularisation in preference to the claim of the claimants have been regularised. They do not press the claim referred. The claim being pressed by them cannot be considered by me. It will be beyond the scope of reference. I proceed to make the award. The claim/dispute raised by the petitioners is to be considered by the appropriate Government and if it comes to conclusion that a reference is to be made, it may be made. At this stage no further proceedings are required to be taken and dropped. The copy of this award be sent to the Government for further necessary action. The copy of this award be given to the parties free of costs during the course of the day.

Announced.
Sd/-
Presiding Officer,
Labour Court, Shimla,
Camp at Una. 22-1-1985.

Before the Presiding Officer, Labour Court, Himachal Pradesh, Shimla

Case No. 94/84

Om Parkash ..Petitioner.

Versus

M/s Khanna Watches, Ltd., Parwanoo ..Respondent.

Shri Om Parkash, Petitioner in person.

Shri A.K. Omat, authorised representative of the respondent.

AWARD

Shri Om Parkash was employed with the respondent management as a tool-setter. His services were

terminated. He raised a dispute which was referred to this court vide Notification No. 8-75-LAB-II, dated 7-7-1984.

The petitioner filed his claim petition and challenged the termination of his services. The respondent management has not filed the reply and had sought adjournment for this purpose. The parties had arrived at a compromise. A written compromise Ex. 2 has been filed in the Court. The statement of the parties have been recorded. I am satisfied that the parties had arrived at a lawful compromise. Shri Om Parkash petitioner has sworn an affidavit Ex. C.3. It is duly attested by the Executive Magistrate, Kandaghat. In full and final settlement, the respondent management has paid a sum of Rs. 2,300 to the petitioner vide receipt, dated 17-1-1985, Ex. C.4. The petitioner has also filed an application, Ex. C.1, wherein he has stated that he had arrived at a compromise with the respondent management and no dispute survives. He has also made a statement in Court that the parties have arrived at a compromise and he has received a sum of Rs. 2,300 in full and final settlement of his claim.

In view of the above settlement, I award that the termination of the services of the petitioner is valid. The proceedings are dropped. The parties are left to bear their own costs. Copy of this award may be sent for publication in the Rajpatra.

S.S. KANWAR,
Presiding Officer,
Labour Court, Shimla,
Camp at Una. 24-1-1985.

Before the Presiding Officer, Labour Court, Himachal Pradesh, Shimla-171002

Case No. 38/83

Smt. Sharda Devi

Versus

S.D.O. (Electrical) Daulatpur-Chowk, Una.

Shri P. L. Bery, AR of the applicant. Shri S. P. Sharma, AR of the respondent.

AWARD

The following question has been referred to this Court vide notification No. 8-16/80-Shram, dated 2-1-1983 by the Government of Himachal Pradesh:—

“Whether the termination of the services of Smt. Sharda Devi, Meter Ledger Clerk, Daulatpur Chowk is justifiable in accordance with the law and rules. If not, to what relief and money she is entitled to?”

Notices were issued to the parties. Both the parties have appeared and filed their claim petition.

Smt. Sharda Devi in her claim petition has challenged the termination of her services. According to her she joined the respondent management on 2-9-76 as a Meter Ledger Clerk and had continuously working as such and that her services were terminated on 12-11-81 by the respondent for no reasons. She has alleged that Shri R. S. Chandel, respondent who is the S.D.O. Incharge, HP SEB, Daulatpur Chowk Sub-division was enmical towards her and was misconducting himself and when she objected to it, he threatened to terminate her services and has terminated on 12-11-81 because she has not submitted to the desire of Shri Chandel. It has further been stated that before the termination of her services, provisions of section 25 of the Industrial Disputes Act have not been complied with and such the termination is nul and void.

The respondent have field a reply to this claim petition and had controverted all the pleas by the petitioner. It has been stated that the petitioner was a

daily wages worker and her services could be terminated any time without assigning any reasons and without complying with the provision of the 25 F of the Industrial Disputes Act. All other allegations of the petitioner have been controverted. It has also been stated that the petitioner is guilty of gross misconduct in discharging her duties and that her termination have been determined, validity.

From the averments of the parties the following issues arose and have been framed by me on 25-12-1983:—

1. Whether the applicant has committed gross acts of misconduct and her behaviour in discharging her duties. If so, to what effect? (OPR)
2. Whether the termination of services of petitioner is in accordance with the law, rules and is valid, not to what effect? (OPP)
3. whether the termination of services of petitioner is vindictive as alleged? (OPP)
4. Relief.

FINDINGS

Issue Nos. 1 to 3:

All these issues are interconnected and for the sake of convenience these may be taken up together.

Smt. Sharda Devi petitioner had appeared as PW-1. According to her she joined the respondent management as a Meter Ledger Clerk on 2-9-1976 as daily waged worker and that this employment has been regularised later. According to her, she became regular Clerk in May, 1978 although the emoluments were the same as she used to get since her appointment on 2-9-1976. She claims to be in continuous service upto 11-12-1981 when her services were terminated. She has further stated that no proceedings towards the termination of her services were taken by respondents and that no chargesheet was served on her nor any show-cause notice was given nor any enquiry was held. She has also stated that the workman junior to her are still in service including Shri Mohinder Singh, Meter Ledger Clerk, Daulatpur-chowk. She has also stated that her services have been terminated because of the vindictive attitude of Shri R.S. Chandel. According to her, on the termination her services, she reported to the authorities and letter Ex. P-1 was received when in it has been stated that she was only daily rated workman and as such could be terminated. She has been cross-examined at length, but no material has been brought to discredit her testimony.

Ex. P-1 show that a representation has been submitted by the petitioner with respondent management against the termination of her services. No reasons have been disclosed. It has been stated that the petitioner was not a regular employee and was in fact a daily wages worker on Muster-roll basis and as such her services could be terminated.

The respondent management has examined two witnesses. Shri R.S. Chandel, RW-1 has appeared to state that the petitioner quarrelled with Shri Bishan Dass, Junior Engineer on 12-10-1981 and he reported against her and she was served by him and on the query that she has quarrelled with the Junior Engineer. She told him that the Junior Engineer have marked her absent without leave and that she again absented herself on 12-11-1981 and she told him that she could come as she liked and misbehaved with him. The respondent have also brought on record documents Ex. R-1 to Ex. R-4. These documents do not help the respondents. Ex. R-4 is the report made by Shri Bishan Dass, Junior Engineer, RW-2 against the petitioner. According to this report and the statement of Shri Bishan Dass RW-2 it appears that the petitioner was absent for two days in October, 1981 and when she came to attend office on 12-10-1981, she misconducting herself and abused Shri Bishan Dass, RW-2 for marking her absent. Bishan Dass submitted the report

to the Sub-Divisional Officer. The Sub-Divisional Officer asked for the explanation of the petitioner dated 23-10-81. In reply to this explanation Ex. R-1, it appears that this matter was thereafter dropped because the petitioner has promised to behave better and have tendered her apology. No disciplinary action has been taken against her because of her absence and her misconduct towards the Junior Engineer. This incident cannot be the subject matter/department action against her. The services of the petitioner have been admittedly terminated on 12-11-1981 and this termination cannot be taken with the incident.

The perusal of the judgement Ex. R-2 shows that the petitioner had been convicted on 22-2-1984 by the Chief Judicial Magistrate, Una under section 352-IPC and was warned. The incident occurred on 11-12-1981, that is after about one month of the termination of her service (12-11-1981). This judgement is not therefore helpful at all. It cannot be the basis for the termination of her services. She had already been terminated on 12-11-1981.

The respondents have also examined Shri Bishan Dass, Junior Engineer, RW-2. He has proved the allegations with reference to the misconduct of the petitioner on 12-10-1981. It has already been observed that the petitioner had not been departmentally dealt with because of her this misconduct. Her explanation was called and she tendered the apology and no action was taken on this account thereafter.

The respondent has explained in Ex. P-1 that the services of the petitioner have been terminated because she is a daily rated workman on muster-roll basis and as such her services can be terminated. No action against her has been taken. Admittedly the provisions of section 25F of Industrial Disputes Act had not been complied. Under section 25F, one month's notice or one month's pay in lieu thereof has to be given to the workman before the termination of the services. The retrenchment compensation is also required to be paid to the workman whose services are to be retrenched. Nothing of the kind has been done by the respondents. The termination of the services of the petitioner in the present case is a retrenchment of the petitioner pure and simple. She had admittedly served the respondents for more than 240 days. She joined services on 2-9-76 and her services were terminated on 12-11-1981. She is entitled to the retrenchment compensation at the rate 15 days wages as a compensation of services for one year of service. No departmental proceeding have been taken against her. The termination of her services by the respondent is retrenchment as defined under section 2-000 of the Industrial Disputes Act. She is a workman and her services have been retrenched. She has served the respondent Board continuously for more than four years although as daily rated workman borne on muster-roll. In view of these circumstances the termination of the services of the petitioner is a retrenchment. This retrenchment, is not justifiable. It is against the provisions of the Industrial Disputes Act as indicated above and this termination is illegal and is liable to be quashed. This view finds for in: "AIR 1978 Supreme Court-8, Delhi Cloth Mills vs. Shambhu Mukherjee, AIR-1980, Supreme Court-1219, Santosh Gupta vs. State Bank of Patiala and AIR 1982, Supreme Court-854, L. Robert D'Suza vs. Executive Engineer, Southern Railway."

There is no evidence to conclude that the petitioner has misconducted herself in the discharging her duties resulting the termination of her services. The termination of the services of the petitioner is void and is no termination in the eye of law. A daily rated workman is a workman for all purposes and contents. He/She cannot be dealt with arbitrarily. If his/her services have been dispensed with, the provisions of the Industrial Disputes Act are to be taken note of. The petitioner however has not been able to bring on record to show that her services have been terminated by the vindictive attitude by the S.D.O. of the respondent. There

is no sufficient evidence brought on record by her to show that S.D.O. has misconducted against her. Her bold statement is not enough.

In view of the aforesaid discussions and conclusions, I decide Issue No. 1 and 2 in favour of the petitioner and against the respondent and Issue No. 3 in favour of the respondent and against the petitioner. RELIEF: To conclude I may state that the termination of the services of the petitioner is not in accordance with the provisions of the Industrial Disputes Act and the law laid down by the Hon'ble Supreme Court in aforesaid three authorities. I therefore award that the termination of the services of the petitioner is not justifiable under the Industrial Disputes Act. The order of the termination of the services of the petitioner passed by the respondent management on 12-11-1981 is illegal and against the provision of the law and the order is therefore quashed and set aside. The petitioner will be deemed to be in service continuously in spite of the termination of the services. She is entitled to all the back wages as a daily rated workman as if she had performing her duties. She is also entitled to all the service benefits of the continuous service in spite of termination of her service and her being jobless w.e.f. 12-11-1981 till re-instatement. The petitioner will report back for duty at her last place of posting within a period of two months from today. The petitioner is also allowed Rs. 200/- (Rupees two hundred) only as costs of their proceedings. The copy of this award may be sent to the quarter concerned for further necessary action. The copy of this award may be supplied to the parties free of costs.

Announced.
25-2-1985

Sd/-
Presiding Officer,
Labour Court, Shimla,
Camp at Dharamshala. 25-2-85.

Before the Presiding Officer, Labour Court, Himachal Pradesh, Shimla-171002

Case No. 68/82

Verinder Kumar Mahajan and others

vs.

Superintending Engineer, Irrigation and Public Health, HPPWD, Dharamshala.

Shri P.L. Beri, AR of the applicants.

Shri N.C. Sharma, XEN, AR of the respondents.

AWARD

Heard. The petitioners have been employed by the Respondent Department as Surveyors. Their emoluments were fixed at Rs. 140/- per month plus usual allowances as sanctioned by the Government from time to time. They claimed that on the revision of the Pay-scales by the Government, they had not been allowed to draw the pay in the pay scales to which they were entitled to. They have claimed arrears of pay. They have further claimed that their appointment is regular and their services should be regularised accordingly. An industrial dispute has been raised and the same has been referred to this court by the Government vide notification No. 8-33/80-Shram, dated 14-9-1982:—

“Whether after 1980 the petitioners have not been paid the wages to which they were entitled to as Surveyors. If so, to what arrears of pay they are entitled to and also whether they are entitled to get their services regularised?”

Notices were issued to the parties and both the parties have filed their claim petition. Various pleas have been raised. It appears that the services of the petitioners have also been terminated. In the claim petition put in by them, they have challenged their termination of their services. Both parties have lead evidence on this question of termination, But this question cannot determined by this court as the same has not been referred. The petitioners even if they succeed on some of the points

raised in these proceedings, they will not be able to get redress of their grievances fully and completely. In case they succeed in showing that the termination of the services is invalid, illegal and against the provisions of the Industrial Disputes Act and the relevant rules governing their condition of services, they will fail in getting this order quashed and set aside on the technical ground that this question has not been referred. With the difficulty, the authorised representative of the petitioners wants to get over this technical defect. He has pointed out that the petitioners may approach the Government to make a reference covering all the disputes between the parties.

I have heard the Authorised Representative of the respondent as well. He has no objection if prayer made by the petitioners is allowed.

In view of the circumstances of this case explained above, I think the question referred to this court need not be answered at this stage. The petitioners if they are so advised may approach the Government and get a reference made and all disputes between the parties may be referred to this court. The present reference need not be answered. It is further made clear that the proceedings recorded/taken after the reference of the present dispute to this court, will not impede the petitioners in getting redressed of their grievances by way of raising the Industrial Disputes as existing at present.

These proceedings are dropped. The copy of this award may be supplied to the parties free of costs. It may also be sent to the quarter concerned for further necessary action. The parties however are left to bear their own costs of their proceedings.

Announced.
23-2-1985

Sd/-
Presiding Officer,
Labour Court, Shimla,
Camp at Dharamshala. 23-2-85.

Before the Presiding Officer, Labour Court, Himachal Pradesh, Shimla-2

Case No. 9/84

Shri Madan Lal Sharma ..Petitioner.

Versus

The New India Assurance Co. Ltd., Mandi ..Respondent.

Shri P.L. Bery, AR of the applicant.
None for the respondent.

AWARD

The Authorised Representative of the petitioner states that the appropriate Government to make a reference is the Union Government. As such the reference made by the State of Himachal Pradesh to this court vide Notification dated 23-1-1984 is void abinitio. He requests that he may be permitted to withdraw his petition with permission to file fresh one in the appropriate courts.

In view of the circumstances explained I drop these proceedings as being without jurisdiction. The petitioner is free to agitate his claim in the appropriate forum. This order be taken to as award. Copy of the award may be sent to the Government for further necessary action.

Announced.
17-3-1985.

Sd/- AR of the Petitioner.

Sd/-
Presiding Officer,
Labour Court, Shimla,
17-3-1985.

Before the Presiding Officer (Central), Himachal Pradesh Shimla-171002
Case No. 149/84

Romesh Kumar and others ..Petitioners.

Versus

Teknika Watches, Chambaghat, Solan ..Respondent.

Shri J.C. Bhardwaj, AR of the applicants.

Shri B.L. Chopra, AR of the respondent.

AWARD

The services of the 13 workmen were terminated/rescinded by the respondent management. A dispute arose and the same has been referred to this court by the Government under section 10 of the Industrial Disputes Act.

Both the parties put in their claim petition. The parties informed me that they have arrived at a settlement out of the Court. This settlement has been recorded in my separate order passed to-day. According to the settlement, there appears to be no grounds to proceed further. In accordance with this settlement, the following eight workmen are entitled to continue in service:—

1. Miss Kanta.
2. Rashmi Sood.
3. Miss Rina Chauhan.
4. Miss Manorma Pal.
5. Shri Romesh Kumar.
6. Shri Rattan Chand.
7. Shri Hirday Ram.
8. Shri Bai Ram.

The order of termination of their services will be deemed to have been set aside and quashed. These workmen are entitled to all the service benefits to which they were entitled to under the law and rule governing the conditions of service at present. They are not entitled to any back wages for this period except wages for one month. The services of the remaining employees will stand terminated as before and they will not claim any benefits whatsoever.

The eight workmen will report for duty on or after 16-4-1985. The parties are left to bear their own cost of these proceedings. The copy of this award may be furnished to the parties free of costs. The award may be sent for publication to the Rajpatra.

Announced.
7-4-1985

Sd/-
Presiding Officer,
Labour Court, Shimla.
7-4-1985.

Before the Presiding Officer, Labour Court, Himachal Pradesh, Shimla

Case No. 110/84

General Secretary, Hotel Mazdoor Union, Shimla
.. Petitioner.

Versus

President, Himachal Restaurants' Association
.. Respondent.

None for the parties.

This case is being called since morning. Nobody has appeared. The proceedings are, therefore, dropped.

Announced.
28-4-1985.

S. S. KANWAR,
Presiding Officer,
Labour Court, Shimla.
28-4-1985.

Before the Presiding Officer, Labour Court, Himachal Pradesh, Shimla-171002

Case No. 26/80

Bhim Sen and Rohit Kumar
.. Petitioners

Versus

Panjab State Electricity Board, Jogindernagar.
.. Respondent.

None for the respondent.

Shri Suraj Singh Pathania, AR of the Petitioners.

AWARD

S/Shri Bhim Sen and Rohit Kumar were employed as T/Mates by the XEN (Electrical Division), Punjab State Electricity Board, Jogindernagar. Rohit Kumar was employed on 1-6-1979 and Bhim Sen was employed on 1-2-1979. Both were workcharged employees. They were retrenched on 30-11-1979. They have raised an Industrial Dispute and the reference has been received by this court vide notification No. 7-66/76-LEP-Shram, dated 8-8-1980.

The following question has been referred:—

“Whether the termination of services of S/Shri Bhim Sen and Rohit Kumar workmen, by the XEN, Shanan Electrical Division, Jogindernagar is in accordance with law and rules. If not, to what relief they are entitled to?”

Both the workmen in their claim petition have stated that they were work-charged T-mates in the Shanan Electrical Division. They have also stated that their services have been terminated and that they have not completed 240 days of service. They have further alleged that the work was still in hand and was to be completed and that the workmen junior to them have not been retrenched and some of them have been re-employed after retrenchment of the services of both the petitioners. Their grievance is that they have not been employed, although they were entitled to be re-employed before their juniors were taken back. According to them, no seniority lists as required to be maintained or drawn before seven days of retrenchment has not been prepared by the respondent.

The respondent management has filed the reply and justified the retrenchment of the workmen. It has been stated that the petitioners were daily waged workers and were employed occasionally and that they were entitled to be re-employed nor for other benefits.

From the averments of the parties, the following issues arose and have been framed:—

1. Whether the retrenchment of the petitioners is legal and valid. If so, to what effect? OPP
2. Relief.

FINDINGS:

Issue No. 1:

Rohit Kumar petitioner has been admittedly taken back in service by the respondent management w. e. f. 17-2-1982. Shri Bhim Sen petitioner has joined service as a junior Clerk with the Himachal Pradesh Gramin Bank w. e. f. 21-11-1980. The only question for determination is as to whether the retrenchment of the petitioners is valid and legal and if not, to what amount of compensation the petitioners are entitled to recover from the respondent management. The question of re-employment does not survive because both the petitioners are gainfully employed.

Shri Raj Bahadur Joshi RW-1, has stated that both the petitioners were appointed as work-charged T-Mates. Bhim Sen was appointed on 1-2-1979 and he has been served with a notice of retrenchment on 20-9-1979. The copy of the notice is Ex-R-1. Rohit Kumar has also been served a notice of retrenchment on 20-9-1980. The service of both the petitioners were retrenched on 30-9-1980. According to him, the seniority list is Ex-R-3. In cross-examination, he has not been able to say as to whether and in what manner the notice of retrenchment was served on the petitioners. It is, therefore, clear that the notices of retrenchment were not served on the petitioners before their services were terminated.

According to the respondent management, the seniority list, which is required to be maintained, has been prepared on 1-1-1983 vide Ex-P-1. The other list is Ex-P-2. Both the dates of preparation and finalisation of lists are not known.

Moreover, according to the Himachal Pradesh Industrial Disputes Rules, 1974, the seniority list is to be maintained under rule 82 and it must be intimated to the retrenched workmen before seven days of actual retrenchment. The service of this seniority list is essential requirement under section 25-G of the Industrial Disputes Act.

The provisions of section 25-G and rule 82 of the Industrial Disputes Act are to be complied with before the retrenchment of the workmen. These provisions are mandatory. The established pactice and the undisputed rule of natural justice is that at the time of retrenchment, the principle of last come, first go, where other things are equal has to be followed. This principle has been recognised by all the courts in the country and also by the Hon'ble Supreme Court.

The absence of non-observance of rule 82 and the provision of section 25-G which is one of the healthy safe-guards against the highhandedness of the employer. The minimum time to seven days notice is provided for in the Rules, so that the workman could get an adequate opportunity to scrutinize the correctness of the seniority list before he is thrown out of employment.

The respondent management has controverted the mandatory provisions of section 25-G and rule 82 of the Industrial Disputes Rules, 1974 (Himachal Pradesh) and the retrenchment can be set aside on this ground alone.

The authorised representative of the respondent management has chosen not to assist this court and he is absent for the last more than five hearings. I have to look into the record more carefully and find that the respondent management has not acted fairly and has knowingly ignored the implementation of the provisions of section 25-G and of rule-82 of the Industrial Rules, 1974 (Himachal Pradesh).

The respondent management has taken the stand that the notice of re-employment has been issued to the petitioners. These notices admittedly are Ex.R-5 and R-6. Statement made by RW-1 Shri Raj Bahadur is dated 8-5-1982, wherein he stated that the petitioners were served with notices before other workmen were employed but they have not reported for duty. This statement appears to be incorrect. The notices are Ex. R-5 and R-6 of date 17..1982.

Both the petitioners have appeared as their witnesses in support of their claim petitions. I have given them the opportunity to scrutinize and cross-examination, but no material has been brought on record to discredit their testimony.

In view of what has been said above. I am of the view that the service of the petitioners were retrenched illegally and this order of retrenchment is invalid. Both the petitioners are, therefore, entitled to their wages from the date of retrenchment till the date of their employment. I decide this issue accordingly in favour of the petitioners and against the respondent.

RELIEF:

In view of my findings on issue No. 1, the order of retrenchment is invalid and is hereby quashed and set aside. Shri Rohit Kumar is entitled to his wages for the period 30-11-1979 to 17-8-1982. Bhim Sen is entitled to his back wages for the period 30-11-1979 to 21-11-1980. The respondent management is directed to make the payment of their wages within thirty days of publication of this award, failing which the petitioners will be free to get this amount recovered in accordance with the law and initiate appropriate proceedings is appropriate forum. The petitioners are also entitled to recover Rs. 250/- each as costs of these proceedings. The costs will be payable along with the wages to which the petitioners have been held to be entitled to. The copy of this award may be given to the petitioners free of costs.

Announced.
19-5-1985.

Sd/-
Presiding Officer,
Labour Court, Shimla.
19-5-1985.

Before the Presiding Officer, Labour Court, Himachal Pradesh, Shimla-171002

Case No. 93/84

S/Shri Kailash Chand and Joginder Singh

.. Petitioners.

Versus

Kangra Milk Supply Scheme, Dharamshala.

.. Respondent.

Shri P.L. Bery, AR of the applicants.

Shri D.D. Sharma, AR of the respondent.

AWARD

The parties have arrived at a settlement. The respondent management has offered employment to the petitioners on the previous terms and conditions. Both the petitioner had been engaged for a part-time job for 5 hours a day on temporary basis under The Kangra Milk Supply Scheme. They would report for duty on the same terms and conditions w.e.f. 1-6-1985. Their services will be treated continuous in spite of the termination orders. However, they will not be entitled to any back wages from the date of the termination of their services till they join duties. This period will be counted towards seniority and other service benefits if any. The petitioners do not want to press their claims.

The dispute referred to this court need not be investigated further. On the basis of this settlement the order terminating the services of the petitioners is quashed and set aside. The petitioner will join duties w.e.f. 1-6-1985. They are not entitled to any back wages, but are entitled to other service benefits including seniority. No order as to costs of these proceedings. The copy of this award be given to the parties free of costs. The order dated 16-5-1985 has been placed on the record of this case.

Sd/-
Presiding Officer,
Labour Court, Shimla.
26-5-1985.

Announced:
26.5.1985.

Sd/-AR of the Petitioners.

Sd/-AR of the Respondent.

Before the Presiding Officer, Labour Court, Himachal Pradesh, Shimla

Case No. 15/84

Parkash Chand and Lekh Ram .. Petitioners.

Versus

M/s Timplex Engineering Works, Parwanoo

.. Respondents.

None for the parties.

AWARD

This case is being called since morning. It is 4 p.m. now. The petitioner has been served for today. These proceedings are dropped. No award without the claims petition and evidence can be made.

S.S. KANWAR,
Presiding Officer,
Labour Court.
26-5-1985.

Announced.
26-5-1985.

Before the Presiding Officer, Labour Court (Central) Himachal Pradesh, Shimla-2

Shri Amar Nath Sharma

.. Petitioner.

Versus

Baira-Siul Project, Surgani

.. Respondent.

Shri P.L. Bery, AR of the applicant.
Shri S.K. Johri, AR of the respondent.

AWARD

Shri Amar Nath was a workman with the Baira Siul Project. His services have been terminated by the respondent management *vide* order dated 21-11-1979. He raised an Industrial dispute, which has been referred to this Court *vide* notification No. 8-8/80-Shram, dated 5-7-1984. The following dispute has been referred to this court:—

“Whether the services of Shri Amar Nath, workman have been terminated in accordance with the law and rules? If not, to what relief and what amount, he is entitled to?”

Notices of the reference were served on both the parties. The petitioner workman has filed his claim petition, wherein he has alleged that he was not given any opportunity to defend himself and that he was served with no chargesheet, nor his reply was asked for, nor any evidence recorded.

The respondent management has filed its reply and has admitted that the petitioner was workman under them and was working as a Store-Keeper. The termination of the services of the petitioner has been justified being in accordance with the provisions of the certified standing orders of the project.

The reply of the respondent management was cryptic. This necessitated the recording of the statement of the Authorised Representative of the Respondent Management on 7-4-1985. In his statement, it has been admitted that no chargesheet was served on the aggrieved workman, nor any enquiry was held against him. However, it has been stated that the workman was associated when the statements of the witnesses were recorded during the course of the preliminary enquiry. It has further been stated that no opportunity to cross-examine the witness was afforded to the petitioner workman. The order of termination of services is EX-P-1. This order has been passed on the basis of the enquiry report Ex.R-1.

I have heard the authorised representatives of the parties. The impugned order has been signed by Shri H.C. Bhardwaj, Superintending Engineer (Administration). The enquiry report Ex.R-1 reveals that the impugned order has been passed by Shri A.S. Chatrath, General Manager Baira Siul Project, Surgani on 21-11-1979. Ex.R-1 is a lengthy document. The extract of the order passed on 21-11-1979, dealing with the aggrieved workman is as under—

“The conduct of W/A has not been above board. also, it is seen from the enquiry and I am satisfied, therefore, that he has been guilty of serious misconduct/misappropriation. He should, therefore, be discharged immediately. It would not be practicable to hold the usual enquiry as per standing orders, clause 39 may be invoked.”

The only justification in dispensing with the regular enquiry is the provisions of the relevant Standing Order-39. The relevant standing orders were as under:—

SPECIAL PROCEDURE IN CERTAIN CASES

“Notwithstanding anything contained in these standing orders the disciplinary authority may impose any of the penalties specified in these standing orders in any of the following circumstances:—

- 39.1. The workman has been convicted on a criminal charge or on the strength of facts or conclusions arrived at by a Judicial trial; or
2. Where the disciplinary authority is satisfied for reasons to be recorded by it in writing that it is not reasonably practicable to hold an enquiry in the manner provided in these rules; or
3. Where the management is satisfied that in the interest of the security of the project, it is not

expedient to hold any enquiry in the manner provided in these rules.

The authorised representative of the respondent management has laid stress on sub-clause-2 of the Standing order 39. According to him, the disciplinary authority can dispense with the holding of the regular enquiry. But the reasons are to be recorded in writing. No reasons have been recorded. This is a serious laps, and the very basis of the order is missing. This order is a quasi-Judicial order. The General Manager of the respondent has got the power to dispense with the enquiry, but the powers are Judicial powers and not arbitrary powers. The services of the workmen cannot be terminated otherwise than following the procedure prescribed. Thus the order Ex.R-1 cannot be up held.

The order Ex.P.1 dated 21-11-1979 signed by the Superintending Engineer appears to be based on Ex. R-1. This order is therefore stay or fall along with Ex.R-1. In view of these considerations, the termination of the workman is liable to be quashed and set-aside.

Again after the termination of the services *vide* order dated 21-11-1979, the copy of which is Ex.P-1, it appears that the petitioner workman had filed an appeal. This appeal was communicated by the Superintending Engineer (Administration) to the General Manager. This appeal has been dealt with by Shri A.S. Chatrath, General Manager, Baira Siul Project and has been rejected by him *vide* his order dated 1-1-1980. The perusal of this report clearly shown that Shri A.S. Chatrath has decided the appeal against his own order passed by him terminating the services of the petitioner workman. This is against all the cannons of established Judicial principles. How can Shri A.S. Chatrath, General Manager, decide the validity of the orders passed by himself while dispensing of the appeal. He could, if he so, required to review his own order, if the relevant rules and the law justifies such a review. The petitioner workman has been deprived of the fundamental rights of being heard before being punished. Baira Siul Project is a Government of India undertaking. It must be a model employer. The Petitioner workman in the present case, has not been dealt with in accordance the relevant rules and the law and with the established principles of natural justice.

The order for dispensing with, the enquiry has been suggested by the Superintending Engineer (Administration) on 19-11-1979. It is at page 8 of R-1 and is as under:—

“As regards Shri Amar Nath, work-assistant, his complicity in the fraud is proven without doubt and, therefore, his conduct is far from satisfactory. The whole incidence also casts serious reflections on the integrity of the work-assistant and therefore, he should also be removed from service invoking clause 39 of the certified Standing orders, as it will not be reasonably practicable to hold the enquiry in the manner provided in the Standing Orders”.

The authorised representative of the respondent management has not been able to show any order documentary evidence to justify the dispensing with the services and governing the conduct of Shri Amar Nath. In fact no reason has been given in the report EX-R1 for not holding the enquiry. The reference to clause-39 of Standing orders is not enough. It has not spelt-out as to how it is not reasonably practicable to frame the enquiry especially in view of the enquiry held by the Deputy Superintendent of Police (Security). He has observed while substantiating his report page 4 of R-1, which is as under:—

“The statements of S/Shri Amar Nath, S.K. Gupta, Onkar Singh, Kalyan Singh and Prith Pal Singh recorded during the enquiry are placed below in file in original for perusal. The other relevant record of the case is lying secured in the custody of A.E. Stores, Surgani.”

This shows that the witnesses and the records were available and could be produced, if the regular enquiry

for the purpose of termination was held. There is no justification for enforcing the provisions of rule 39 (2).

It is not the gravity of the default which attracts the provision of rule 39 (2) for dispensing with the enquiry. The severe punishment of termination has been imposed on workman without affording him any opportunity to defend himself. The order does stand scrutiny.

In view of these considerations, the order of termination of the services of the petitioner workman *vide* Ex-P-1 dated 21-11-1979 is not justified. This is not an order in the eye of law and the relevant rules. It is quashed. This order is non-existent. In spite of this order the petitioner workman will be deemed to be in the continuous services of the respondent management and is entitled to all the service benefits including the back wages to which he would have been entitled, if his services had not been terminated and if he had continued in service. It may be further clarified that the petitioner workman is entitled to all increments, right to be considered for promotion, and all other service benefits to which he is entitled to as a workman in continuous service of the respondent management.

While parting, I leave this question open to the respondent management. They may hold the enquiry in accordance with the rule and law that governs the conduct of services of the petitioner workman after affording him a proper opportunity to defend himself. I further observe that the default was committed as alleged in or about the year 1979 and now we are in the year 1985. The respondent management may on this ground decide to close this file and if so advise may not take any action in the matter.

It is, further clarified that all the arrears to which the petitioner is entitled to must be paid to him within two months of to day, failing which, he will be free to initiate further proceedings in accordance with the law.

Before the termination of his services, petitioner was working as a Store-Keeper at Surgani. He will report for duty immediately at that place and the respondent management will adjust him at that place against the post if it is available to him at present. The petitioner will report for work at the aforesaid place with effect from 1-6-1985. He will be paid his wages regularly thereafter, i.e. the wages due for the month of June, 1985 to be paid in the month of July, 1985 and on so forth. The parties, however, are left to bear their own costs of these proceedings. The copy of this award be supplied to the parties free of costs.

Announced :
26-5-1985.

Sd/-
Presiding Officer,
Labour Court, Shimla.

Before the Presiding Officer, Labour Court (Central) |
Himachal Pradesh, Shimla-171002

Case No. 144/83]

Balbir Singh Versus Petitioner.

Bela Industries Corporation, Parwanoo. .. Respondent.

Shri Balbir Singh Petitioner in person.
None for the respondent.

AWARD

The petitioner was employed as a Dye-fitter by the respondent management on 12-4-1982 on the monthly consolidated wages of Rs. 500/-per month. His services were terminated on 14-2-1983 by the respondent management without assigning any reasons whatsoever. The workman raised an dispute and sent the demand notice Ex, P-1 on the respondent management. They did not take any action in this regard. Workman appealed to the Conciliation

Officer, who initiated proceedings and furnished notices of appearance of the respondent management. But not body appeared before the Conciliation Officer for these hearings. They only appeared once. The conciliation proceedings failed and hence a reference made to this Court *vide* notification dated 29-11-1983.

The respondent management has been duly served, but they are not appearing for the reasons best known to them. It may be mentioned that the *ex-parte* award was made by me on 4-10-1984. The petitioner later submitted an application for setting aside the *ex-parte* award. The respondent management has duly served with the notice of this application and one Shri Kuldip Bassi Accountant of the management appeared on 17-3-1985. The proceedings were later adjourned to 28-4-1985. On 28-4-1985, Shri A.S. Lally appeared for the respondent management. Proceedings were adjourned to 26-5-1985. The respondent management did not appear.

I have recorded *ex-parte* evidence. Shri Balbir Singh petitioner has himself appeared as a witness. He has substantiated the claim petition. According to him, he joined the respondent management as Dye-fitter on a consolidated wages of Rs. 500/-per month on 12-4-1982 and his services were terminated abruptly on 14-2-1983. No proceedings whatsoever were taken before the termination of the services of the petitioner. No summary of misconduct and no charge-sheet have been served on the petitioner. No enquiry whatsoever has been held. No retrenchment benefit as required under section 25 FF of the Industrial Disputes Act have been paid to the petitioner.

There is absolutely no reason not to accept of this petition. In view of the facts and the circumstance of this case and the evidence on record. It is apparent that the petitioner was retrenched and this retrenchment is not in accordance with the law. The retrenchment/termination of his service is illegal. This retrenchment in-fact is no retrenchment in the eye of law. The verbal orders of the termination is quashed and set-aside. The petitioner will be deemed to be in service inspite of the termination. He is entitled to all the service benefits, including pay, increments, provident fund, leave, bonus and seniority. The respondent management will pay him the back wages *w.e.f.* 14-2-1983 till his re-instatement. The petitioner will report for duty to the respondent management and he will also be paid all the back wages and will also be entitled too other service benefits. This award may be published in the Rajpatra.

Announced:
30-6-1985.

Sd/-,
Presiding Officer,
Labour Court Shimla.

Before the Presiding Officer, Labour Court, Himachal Pradesh, Shimla

Case No. 279/85

General Secretary, Himachal Pradesh Civil Supplies Corporation Employees Union (Regd.) Mandi .. Petitioners.

Versus

The Managing Director, Himachal Pradesh Civil Supplies Corporation, Shimla .. Respondent.

Shri Pyare Lal Beri, Authorised Representative of the petitioner.

Shri K.K. Mali, Authorised Representative of the respondent.

AWARD

Heard. In view of the reply filed by the respondent management it appears that all the demands of the employees covered by this reference have been met with by the enforcement/application of Himachal Pradesh, Financial Rules as for as they are relevant to these demands. No further proceedings need be recorded. This reference Stands answered.

Let the copy of this award be sent to the Government for further necessary action.

Announced:
23-6-1985.

S. S. KANWAR,
*Presiding Officer,
Labour Court, Shimla.*

Before the Presiding Officer, Labour Court, Himachal Pradesh, Shimla-171002

Case No. 13/84

Ritu Raj Garg .. Petitioner.

Versus

Himachal Pradesh Civil Supplies Corporation, Solan.
.. Respondent.

Shri P. L. Bary, A. R. of the petitioner.
Shri H.R. Vashisht, A. R. of the respondent.

AWARD

The authorised representatives of the parties state at the bar that the impugned order has been withdrawn and the petitioner has been re-instated and that now no disputes survive, which can be determined in these proceedings. The order to this effect was passed on 25-5-1985. The petitioner does not want to press his claim.

In view of the statements of the authorised representatives of the parties, no dispute survives. The proceedings are dropped. Intimation in this regard may be sent.

Announced:
23-6-1985.

Sd/-,
*Presiding Officer,
Labour Court, Shimla.*

Before the Presiding Officer, Labour Court
Himachal Pradesh

Case No. 59/84

Mohinder Singh. .. Petitioner.

Versus

Principal, Government Ayurvedic College, Paprola.
.. Respondent.

None for the Parties.

In spite of best efforts, the parties are not co-operating. These proceedings are, therefore, dropped. The reference made to this Court cannot be answered. Let the information be sent to the quarters concerned.

Announced 23-6-85.

S. S. KANWAR,
*Presiding Officer,
Labour Court, Shimla.*

Before the Presiding Officer, Labour Court, Himachal Pradesh, Shimla
Cas No. 91/84

Sher Singh. .. Petitioner.

Versus

Himachal Plywood Factory, Shanshi. ... Respondent.

None for the Parties.

It is 2 p.m. These proceedings are dropped.
No Costs.

Announced 23-6-15.

S. K. KANWAR,
*Presiding Officer,
Labour Court, Shimla.*

PART V

In the Court of Shri S. L. Sharma, Sub-Judge 1st Class,
Theog, District Shimla, Himachal Pradesh

IN RE:—EXECUTION NO. 159/10 OF 1984

State Bank of India, having its one of Branch Office at Matiana, Tehsil Theog, District Shimla, Himachal Pradesh through its Branch Manager .. Decree-Holder.

Versus

M/s Durga Traders, Matiana, through its Partner Shri Satya Parkash Sood, Matiana, Post Office Matiana, Tehsil Theog etc. .. J. Ds.

Execution for recovery of Rs. 27,234.55.
Application under order 5, rule 20, C. P. C.

To

Shri Satya Parkash Sood,
r/o Village Matiana, Tehsil Theog,
District Shimla, H. P.

Whereas in the above noted case it has been proved to the satisfaction of this court that the above named JDs. Satya Parkash cannot be served through ordinary course of service as summons issued to him back unserved. Hence this proclamation under order 5, rule 20, C. P. C. is hereby issued against the JD Satya Parkash to appear before this court on 10-3-86 at 10.00 A.M. personally or through an Advocate or an authorised agent to defend the case, failing which *ex parte* proceedings shall be taken against him in accordance with law.

Given under my hand and seal of the court this 17th day of February, 1986.

Seal.

S. L. SHARMA,
Sub-Judge 1st Class, Theog.